



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 May 2000

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The Assembly met at 10.30 am.

A quorum of members not being present, Mr Speaker (Mr Cornwell) ordered the bells to be rung. Fire bells ringing, Mr Speaker announced that the chair would be resumed at the ringing of the bells.

MR SPEAKER took the chair at 10.54 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

DEATH OF SIR WILLIAM KEYS AC Kt Cr OBE MC

MS CARNELL (Chief Minister): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Sir William Keys, a distinguished soldier, a prominent resident of the Canberra region and former National President of the RSL and tenders its profound sympathy to his family in their bereavement.

It was with much sadness that I learnt of the death of Sir William Keys on Wednesday, 3 May 2000, at the age of 77. Sir William served the Australian community both abroad and at home, first in World War II and the Korean War and then as National President of the Returned and Services League, the RSL, from 1978 to 1988, a period of 10 years.

Born in Sydney on 2 February 1923, he grew up on the family farm at Bombala. He attended a one-teacher country school and later attended Hurlstone Agricultural High School, with the intention of becoming a farmer. Instead, he found his way into the army and from there ultimately to the RSL.

He was a fine man who has left a legacy of reconciling differences, rather than preserving grudges or ignoring past hurts. He actively sought reconciliation and friendship with Australia's former adversaries, and in this spirit he helped establish and was patron of the Korea and South East Asia Forces Association. He also served as the International President of the Federation of Korean War Veterans Associations. He helped lead the way in building a friendly and positive post-war relationship between Australia and Asia, and rallied to Australia's shift to multiculturalism.

There may be some comfort in knowing that he lived just long enough to see his comrades' service in Korea recognised when the long-awaited Korean War memorial opened here in Anzac Parade just before Anzac Day. In the wake of his death, those who had the pleasure of working with him or just knowing him have remembered him fondly and with pride. He was a distinguished man whom people have described as warm, generous, friendly and forthright.

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I had the pleasure of meeting Sir William on a number of occasions and admired him greatly. His statesmanship and contribution to the community were appreciated and will be remembered.

He had previously fought and won a battle with prostate cancer, an experience which he recalled in his book *Flowers in Winter*, a book that I had the great pleasure of reading and a book that I am sure inspired other cancer sufferers to fight and win, as he did. This time, however, he was not so fortunate. He died in the ACT Hospice just last week.

I am sure all members join me in acknowledging the contribution Sir William made to Australia, the contribution he made to Canberra and the contribution he made to multiculturalism. In expressing our sympathy to Sir William's family, especially to his wife, Lady Dulcie, and daughters, Elizabeth, Amanda and Tammy, we can all say very genuinely that he will be missed.

MR STANHOPE (Leader of the Opposition): I support the motion that the Chief Minister has moved in expressing condolence at the death of Sir William Keys. I share the views expressed by the Chief Minister. It is well known, particularly to those of us who did have the pleasure and the honour of meeting Sir William Keys, that he was indeed a genuine, kind-hearted and compassionate man and that he had an emotionally strong commitment to principles of fairness, equity and social justice.

As the Chief Minister has indicated, Sir William Keys had a very distinguished history of service to Australia in times of both war and peace. He served firstly in New Guinea during World War II, where he was wounded at the significant battle of Tarakan. He then volunteered to serve in Korea, where he was again wounded in the course of action and was awarded the Military Cross for gallantry.

Sir William Keys is remembered not only for his significant war service but also as a result of his long and dedicated service to the Australian community, particularly to veterans, through his role with the Returned and Services League. He served as secretary of the league for 17 years before ultimately becoming president of the league, a position which he held for 10 years.

It is a fact that Sir William took a very early interest in the RSL and a commitment to serve those men and women he had served with firstly in the Second World War. Sir William became an official of the RSL for the first time in 1947, before he served in Korea. After returning from Korea he again joined the RSL and was active in an uninterrupted fashion from 1953 until 1987.

It is probably fair for us to mention and to acknowledge that Sir William brought a leadership and a perspective to the role of the RSL in Australian life that was not always embraced or applauded by some of his fellow officials within the RSL. It is a matter of public record that Sir William embraced a range of issues and adopted a range of positions, particularly in relation to the need to come to an accord with former enemies and in relation to the links that Australia needed to forge with Asia and the concomitant need for Australia to embrace multiculturalism in a serious way.

At times, Sir William's leadership of the RSL on these issues brought him into significant conflict with a number of his colleagues within the RSL. It is a reflection of the strength and the vision of Sir William that he was prepared as both secretary and president of the RSL to adopt, to propound and to advocate a range of positions which he knew would not be supported by a number of his colleagues and in many instances were vigorously opposed by some other significant and leading figures within the RSL.

I first met Sir William Keys at a conference I organised some years ago in the ACT, as a convenor of Racial Respect, in an attempt to respond to the division that was being generated in Australia as a result of the activities of the One Nation Party. As organiser of the conference, I invited Sir William to be the keynote speaker at that conference and Sir William kindly agreed and gave a speech in which he spoke vehemently and passionately on the subjects of multiculturalism, egalitarianism, fairness and what it means to be an Australian. Sir William was undeniably a great Australian visionary. In terms of his activities and attitudes within the RSL, he was a man before his time.

Just three weeks ago I attended the annual conference of the Korea and South East Asia Forces Association, which the Chief Minister has mentioned. Sir William attended that conference, albeit in a wheelchair and albeit at a time in his life when the illness that was besetting him was having a tremendous impact on his wellbeing and, quite obviously, on his health. Sir William would have been so proud of the fact that a dream that he had harboured for years, namely, the establishment and opening of a significant memorial to Korean veterans, was to take place two days later, a dedication that Sir William was able to attend. Acknowledging that Sir William died just 10 days or so after the Korean War memorial was dedicated on Anzac Parade, it is significant to me that Sir William chose to live until that particular dream and inspiration of his had become a reality.

Sir William Keys will always be remembered as an integral figure in the establishment of Australia's national identity. He had a very significant role to play, particularly as head of that great Australian institution, the RSL, which at times certainly frustrates some of us in the attitudes that it adopts. I know that it frustrated Sir William in terms of his determination to change what had been a more traditional role followed by the RSL.

He will always be revered as a warm, caring and loyal man who was dedicated to helping all Australians and will be missed by all Australians.

MR STEFANIAK (Minister for Education): I would echo the sentiments expressed by Mr Stanhope and the Chief Minister. Today we are paying tribute to not only a great Australian but also a local. Mr Stanhope and Mrs Carnell have gone through aptly and ably a lot of the highlights in Sir William's career. He was, in fact, brought up in the region. He was brought up on the family property near Bombala. Indeed, as a child, he almost drowned in a creek in Bemboka. He was very much a local. Indeed, when he was not soldiering, he described himself as a farmer by trade and he returned to the land and, effectively, lived in this region throughout most of his life when he was not serving his country.

I met Sir William on a number of occasions. Indeed, he was a friend of my father, who was also involved in the RSL. I was interested to read in the various obituaries that were published in the national dailies and to hear from listening to my two colleagues speak now of the significant work he did with that body, holding very senior positions over

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a 27-year period, as has been mentioned. He certainly made the RSL more relevant at a crucial time in its history. He was very much in favour of multiculturalism and introduced that concept, often amidst a fair bit of opposition, into the RSL. He also promoted for a number of reasons, perhaps some very good ones, the concept of reconciliation with former enemies being essential. He pushed that for many years and did so very successfully.

Mr Stanhope has mentioned how Sir William would have been delighted to have lived long enough to see the fulfilment of one of his dreams, that is, the dedication of the Korean War memorial. He was instrumental in setting up the Korea and South East Asia Forces Association. He was a man who in the times I met him, and there were quite a few, really impressed me with the great breadth of his intellect. I can recall going to a function at his property on the Captains Flat road when he was undergoing herbal medicine treatment and listening in fascination as he told me exactly what was involved, why he did it and just how effective it was.

I can clearly recall my father's great admiration for Sir William when he worked with him in the RSL, not only for the breadth of his intellect but also for his concern for soldiers of other nations as well as Australian soldiers, whom he thought should be integrated into the RSL, and his concern even for former enemies. He had that great quality of all truly great commanders of soldiers and men in war that the interests of his troops were paramount. I read with interest and pleasure an account of his service as a company commander in the Korean War and of his pleasure at how successful his company had been, his concern about his men and his delight that the casualties were kept to an absolute minimum. He had that real concern for his men which all truly great commanders have.

His passing is a very sad loss to us all. I extend my condolences to Lady Dulcie and his family on the passing of this great man who, I might add as a personal note, was a good friend of my father and whom I got to know very well over the years.

MS TUCKER: Sir William Keys was a man of great stature in this country and I join members today in this condolence motion. I believe that he had a profound and moderating role in the RSL and that Australia benefited greatly from his leadership of it.

With his rural and small school background, many people may have thought Bill Keys an unlikely radical, but his values and humanity seem always to have been apparent. Keys' championing of a positive relationship with our neighbours in Asia, his enthusiasm for multiculturalism and his active involvement in the process of reconciliation with former enemies all demonstrate a broad mind and real vision.

Specifically, his championing of the cause of the Burmese people, victims of a brutal, corrupt and grossly incompetent regime, is something I respond to very strongly. His position was clear that it is not good enough to support or have uncritical partnerships with regimes that have no regard for human rights, whether they be in Burma, China, Sierra Leone or wherever. The loss of Sir William Keys as a national statesman is sad indeed.

MR SMYTH (Minister for Urban Services): Mr Speaker, it is with sadness that I speak of the passing of Sir William Keys, but with great pleasure at having known the man. The memories that spring to mind of the most recent times I saw Sir William are of occasions at the front of the Burmese Embassy. It is interesting that a man of his stature was always right there at the front line. He took the approach that for him it was a matter of action, not words. It was not uncommon to see him at the Burmese Embassy on different occasions supporting those who sought freedom for their homeland. We will miss that leadership in terms of his ability to bring together words and bring together people and direct them to meaningful, non-violent action to achieve an end.

There is the paradox of a great soldier. On the one hand, if necessary, he was willing to fight for his country and his ideals, but clearly saw that there were many other ways in which you could conduct yourself and achieve the same aim. For a man whose life was devoted initially to the military and then to the welfare of returned servicemen, a great humanitarian, he did not allow that to limit his vision. In terms of looking at a world beyond what many of us see, he was actually able to put into place steps to help alleviate sadness in other countries.

It is curious that, from the *Canberra Times* obituary, he did not see himself as a spiritual man. The final line of the Bruce Juddery piece says:

Though not particularly religious, he was moved by the promised prayers of thousands of Australian Burmese.

That relates to when he was diagnosed as having cancer in 1993. I know that the Burmese community always held him in high regard and will always remember him.

He was a great man, a man of many talents, a man of many careers and a man who added much to the Canberra that he made his home. I will miss him personally. I think the city will miss him greatly as well.

MR KAINE: Mr Speaker, earlier speakers have dealt at some length with the achievements of Sir William Keys and I do not intend to add to that. In fact, I intend to be quite brief. It can be said truly that Sir William was an outstanding soldier, an outstanding citizen and an outstanding man. In today's world there are very few people who are of such stature that they could be referred to as national heroes. Our heroes today seem to be people who play sport or do something of that kind.

Whilst what people adulated as national heroes achieve is praiseworthy in itself, Sir William was one of the few people to have been on the stage in Australia in this century who could truly be described as a person who was and will remain into the future a national hero, an outstanding man in all respects for whom everybody had a great deal of respect. That, in itself, says something about the calibre of the man. The country is clearly the worse for his passing, but it can be proud of the achievements of this man during his lifetime. His widow, Lady Dulcie, and the family can continue to be proud of the things that this man achieved for Australia. I do not think there can be any better accolade than that.

Question resolved in the affirmative, members standing in their places.

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MAGISTRATES COURT AMENDMENT BILL 2000

MR BERRY (11.16): Mr Speaker, I present the Magistrates Court Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR BERRY: I move:

That this bill be agreed to in principle.

Mr Speaker, this bill amends the Magistrates Court Act 1930 in relation to restraining orders. The bill allows employees who become aggrieved persons and apply for a restraining order under the act to do so without sacrificing their privacy.

I issued drafting instruction for this bill after I was approached by the Australian Education Union in relation to the matter. The AEU highlighted the problems which arise for teachers in our government schools who find themselves in a situation where they need to apply for a restraining order or to have a restraining order applied for in relation to events at a school—their workplace, in effect.

Teachers are apprehensive about disclosing their details when applying for an order because, for example, they may well be likely to continue teaching a person who is a relative of the person who is the subject of an order. They are also concerned, of course, about their name being made a public matter and what might flow from that. I took the view that there is a need for protection against the disclosure of anonymity for workers in the workplace and that this could, in fact, be taken up by employers. I also have concerns about disclosing their home address when they apply for an order as it may lead to them or their families becoming a potential target of the subject of an order.

I know that in many cases the orders relate to residences and so on; but teachers, according to my advice, are concerned about this matter. I take the view that no worker need take home the problems that are created in their workplace and there ought to be a straightforward protection for the most part to deal with those sorts of issues. It could be, even with this legislation, that if an employee was the only person who could give evidence in relation to a restraining order, they will need to be called for evidence. But in many cases these restraining orders could be taken out on their behalf by employers or a delegate of an employer in relation to the place of employment.

Section 198 of the Magistrates Court Act 1930 sets out a range of persons who are entitled to apply for orders. The amendment I propose today extends the list of those entitled to apply for restraining orders to include an employer of an aggrieved person. In considering the implications of the provision for teachers I became aware that there were, as I said earlier, other employees who could become an aggrieved person because of their work. This might not be only in the public sector; it could be in the private sector as well. But I give an example in the public sector of a housing officer or some other public officer who is dealing with the community. For this reason, the original intent to deal with teachers has been widened to include all employees.

In recognition of current working arrangements, a new definition of “employee” has been included to cover people working on contract, apprentices and trainees. There is also the safeguard that the aggrieved person must give their consent. The court in making an order needs to be satisfied that an aggrieved person has given their approval for an application to the court, and that is dealt with in proposed new section 198B under special requirements. You will see at subsection (3) of that section the provision which deals with that matter.

Mr Speaker, this bill is a sensible move. It is not a piece of legislation which is going to change the course of the territory, but it will make life comfortable for employees in the workplace on the rare occasions when restraining orders have to be taken out against individuals in an employment situation. I urge members to support the bill.

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

BRUCE STADIUM—THE ULTIMATE ROCK SYMPHONY

MR STANHOPE (Leader of the Opposition) (11.21): I move:

That this Assembly, pursuant to section 24 of the *Stadiums Authority Act 2000*, requests the Stadiums Authority to provide to the Assembly by the close of business on 16 May 2000 all documents relating to The Ultimate Rock Symphony that was to have been held at Bruce Stadium on 4 March 2000, including but not limited to:

- (i) the budget for the event showing expected revenue, expenses and profits (details of payments to individual performers are not required);
- (ii) the reconciliation statement of revenue and expenses specified in clause 4.7 of the contract between Bruce Operations Pty Ltd and International Touring Company Pty Ltd;
- (iii) the insurance policies and/or papers relating to those policies lodged with Bruce Operations Pty Ltd pursuant to clauses 2(i), 2(j) and 2(k) of the contract; and
- (iv) the statement of claim and supporting documentation for the insurance claim for the cancelled concert.

Mr Speaker, I gave notice of this motion because, like so many other issues surrounding Bruce Stadium, the matter has become clouded in obscurity. Most certainly, the bare facts are clear enough. Bruce Operations Pty Ltd and the International Touring Co Pty Ltd entered into a contract to stage the Ultimate Rock Symphony at Bruce Stadium. On the day appointed for the symphony a number of performers, for whatever reason, were unable to perform and the symphony was cancelled at great inconvenience to those members of the public who had purchased tickets and attended Bruce Stadium.

Beyond that bare outline, obfuscation sets in to such an extent that we can no longer be sure even which government agency is to be held responsible to clarify the situation and to satisfactorily explain what happened. For instance, at various times during the debate that we have had around the rock concert, a spokesman for the Chief Minister has attributed certain reported statements concerning contractual arrangements between

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Bruce Operations and the International Touring Co to the Stadiums Authority. When my staff made inquiries of the Chief Minister's Office we were referred to the Treasurer's department as the organisation that had responsibility.

We also know, of course, that it was BOPL that entered into the arrangements with the International Touring Co. In response to a freedom of information request that I had made in relation to this issue, to which the government responded that it did not have in its possession a single document, I was referred to BOPL as the organisation that could perhaps provide me with the information that I might be seeking.

Since then, however, the Chief Minister's spokesperson has indicated that in fact it is the Stadiums Authority that is the appropriate agency to provide information about this concert. As I understand it, the act creating the authority was gazetted on 23 March 2000 and I am not quite sure what actions have been taken under that legislation by the government in both prescribing sporting facilities or, indeed, in appointing persons to the authority. So there does appear to be some confusion in the public statements emanating from the government in relation to which agency is responsible today for the provision of information on the rock symphony and other matters going on at the stadium.

There is a whole range of questions that one could ask in relation to the stadium about the reasons for this cancellation and what happened after that, and they have been canvassed. I have to say that I am not sure that satisfactory answers have been given to some of those questions. One of the reasons satisfactory answers have not been given is that the range of information that is available has not been provided and, of course, that in itself begs the question.

There is a genuine public interest in exactly the nature of the arrangements which the ACT government did enter into with the International Touring Co in relation to the rock concert. I certainly was interested in the arrangements, the rationale, the way in which the matter was administered and the responsibilities which we accepted and which conversely the International Touring Company accepted in the contracts that we entered into.

So we come to the nub of the matter. There are documents, there is information that is available, some of it quite straightforward, and I honestly cannot see why the information should, on any reasonable ground, be refused to the Assembly. There are a whole range of matters that quite simply cannot be commercial-in-confidence, or attract other reasonable exceptions or exemptions from publication. It is as a result of that that I have moved, pursuant to the stadiums act, to have the information provided to the Assembly.

As you would be aware, Mr Speaker, under section 24(1) of the Stadiums Authority Act the authority is required to give the Assembly all the information that it requests. This is an absolute provision. There are no ifs, buts or exceptions. The authority must provide the Legislative Assembly with all the information that it requests.

It is interesting to note that under section 24(2) of the Stadiums Authority Act the authority is required to give the minister all the information that he or she requests. Again, there are no ifs, there are no buts, there are no exceptions. The authority must provide the minister with all the information that the minister requests.

However, a spokesperson for the Chief Minister was reported in the *Canberra Times* as saying that the Stadiums Authority had revealed all the information about the Ultimate Rock Symphony contract that it was willing to. The quote from the *Canberra Times* is:

A spokesman for Chief Minister Kate Carnell said last night that there was nothing else the Government, or Labor, could do to extract those details, as both the Stadium Authority and ITC had revealed all they were willing to.

“What more can we do?” the spokesman asked.

Well, there is something more we can do: we can ask the Stadiums Authority, through this motion, to provide the documents to the Assembly. That is what we can do, that is what the legislation says we can do. Whether the authority is willing to provide information or not, as I have just indicated Mr Speaker, is not the question. The authority must provide the information if it is requested of it by either the Assembly or the minister.

Explicitly, this motion calls upon the authority to provide all documents, if they are in the possession of the authority, relating to the Ultimate Rock Symphony that was to have been held at Bruce Stadium on 4 March, including, but not limited to, the following documents. The motion calls for the provision of the budget for the Ultimate Rock Symphony, showing expected revenue, expenses and profits. I assume that members of the Assembly are in the same boat as me in that they are not interested in how much any individual performer was paid. We are not seeking that information. We simply want the budget for the concert, showing expected revenue, expenses and profits.

We would like to see, in particular, the reconciliation statement of revenue and expenses specified in clause 4.7 of the contract between BOPL and the touring company. I recall, from memory, that under the contract the reconciliation statement was to have been prepared by 23 March, or something like that. So the reconciliation statement has been, one would hope, in existence for a month and a half or more now. I simply cannot see why it would be inappropriate to provide to the Assembly the reconciliation statement of revenue and expenses.

The motion also calls for provision to the Assembly of the insurance policies that one would hope had been taken out pursuant to the contract, as required under the terms of the contract, and which Bruce Operations was entitled, pursuant to clauses 2(i), 2(j) and 2(k) of the contract, to ask for or be provided with a copy of. Once again it seems to me there is absolutely no reason that can be presented for not providing to the Assembly a copy of the insurance policy.

Ms Carnell: Tell us the reasons for providing it.

MR STANHOPE: Because there is no reason not to provide a copy of the insurance policy. It is quite legitimate for this Assembly to view this document. There is a genuine matter of public interest to see the nature of insurance policies that have been generated by BOPL as a result of a contract between BOPL and a joint partner. What we are talking about here is a joint arrangement. BOPL, an emanation of the ACT government, an organisation owned by the ACT public which is managing a facility owned by the ACT public, entered into an arrangement with an entrepreneur, a private sector business person, to conduct a rock concert. The government quite rightly, BOPL quite rightly,

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entered into a contract with that organisation. A significant provision of the contract is that the entrepreneur, our partner, will accept responsibility for taking out insurance to cover the significant risk.

Ms Carnell: So it is up to him to do so.

MR STANHOPE: Absolutely. It is up to our partner in this operation, under the terms of the contract, to take out an insurance policy.

Ms Carnell: So it is between him and the insurance company.

Mr Berry: No it is not.

MR STANHOPE: It is not. Under the terms of the contract it is not. Under the terms of the contract our partner is required to give us, his partner, copies of the insurance policies. There is absolutely no reason, BOPL having requested and received copies of the insurance policies, why BOPL should not have them in its possession and why they should not be tabled in this place.

Ms Carnell: Why is it in the public interest to release it?

MR STANHOPE: There are a range of reasons why it is in the public interest. For a start, there are probably an awful lot of people who would like actually to know which insurance company it is.

Ms Carnell: Why?

MR STANHOPE: A very significant and interesting form of insurance has been provided here. It is along the lines of rain insurance. It is an insurance policy designed to cover both BOPL and the International Touring Co from all losses that might result as a result of this venture. We paid \$109,000 up front and we had a whole range of other requirements imposed on us as a result of the contract we entered into for the rock concert. A significant amount of ratepayers' funds were advanced for this enterprise.

Of course, it is only right and proper that we should insure against loss, and this is a good policy that we required ITC to take out. We required them not only to cover us against the loss of the monies which we advanced and the loss of all our other expenses, but also we asked them to take out an insurance policy that covered us for loss of profits. A very wise proposal. I would just like to see what insurance company it is that is providing this sort of coverage, and the terms of the particular clause that did cover the loss of all of our expenses and loss of profit.

I would have to say as an aside that there is probably a whole range of organisations around town that would like to know who this company is so that they can perhaps approach this company in relation to activities which they are organising in pursuance of their operations. Insuring against anticipated loss of profit is a particularly attractive and sensible form of insurance. I would have no doubt that there is a range of organisations around this town that would love to know which company it is that is offering this particular sort of insurance, particularly in relation to undertakings such as rock concerts.

I am interested in this because, as the organiser of the Belconnen community fun run, we have agonised for years over how to cover the event for loss of profit, and all we could ever come up with was rain insurance. We could never get any sort of policy other than rain insurance.

Mr Berry: You still make us run in the rain, though.

MR STANHOPE: That is right. We could never afford to take out the rain insurance, so basically we had to risk it. There are a whole range of issues in relation to that. But the bottom line is that it is a matter of public interest. I cannot think of a reason why our government would refuse to provide to the parliament a copy of an insurance policy.

Ms Carnell: It is not with us.

MR STANHOPE: If you look at the contract you will find that it is ours; it is a joint arrangement. The simple fact is that ITC were required to take the policy. You cannot say it is not our policy; it is our policy. It was a policy which was jointly arranged under the terms of the contract that would be taken out to protect both ITC and BOPL—that is, the ACT people. It is our policy and there is no reason for us not to see it.

The contract between BOPL and ITC clearly also sets out the procedures to be followed in relation to financial operations. For example, it states that one trust account for the receipt of revenue and payment of accounts is to be established. The Chief Minister did indicate on ABC Radio that two accounts were established. I do not quite know what the Chief Minister is referring to there but, once again, it is a statement by the Chief Minister on the public record which is at odds with the contract, and perhaps it would be good if we could throw some light on that.

It also appears from a reading of the contract that, although payments from the trust account must be authorised by both parties—and these are the terms of the contract—“BOPL will pay any expense in relation to the Event if that expense is substantiated by an invoice or other documentation acceptable to BOPL.” The contract also requires ITC to:

warrant that ... all expenses specified in the Event budget relate directly and solely to the staging of the Event at the venue ...

But on 26 April, Mr McManus, the head of ITC, told ABC Radio that in fact he had met payments to a number of contractors out of his own pocket to the tune of \$250,000. He said he had paid for, among other things, staging, production and seat construction. One wonders what was the basis on which Mr McManus made those payments, particularly when one looks at the terms of the contract, namely, that BOPL will pay any expense in relation to the event if that expense is substantiated by an invoice or other documentation.

So, this begs an interesting question. Why, if the contract required BOPL to meet the expenses, did Mr McManus make all the payments? There has been no satisfactory explanation of the apparent inconsistency between the statements of the Chief Minister and Mr McManus as to the contractual requirements. It does raise a question as to what operational procedures were put in place to ensure that the parties to the contract kept

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proper books of account, invoices, and other documents, which disclosed readily and completely the current financial position and gross revenue of the event. Which party was responsible for the payment of bills? (*Extension of time granted.*) On what basis did BOPL manage the contract with ITC? Exactly what does the Chief Minister's Office say?

Just to complete my comments in relation to the insurance policy, it is interesting to read in the *Canberra Times* exactly what Mr McManus said. It is reported in the *Canberra Times* of Thursday 27 April that, as I have just said, Mr McManus has estimated that he had personally paid out about \$250,000 to the various contractors. He also talked about the fact that he had been subjected to death threats as a result of the cancellation of the concert. The *Canberra Times* article—and this is of interest to the ACT—went on to state:

Any insurance pay-out would go mainly to him, as the ACT's liability, through BOPL, had never gone beyond its own "small investment". "[The insurance claim] comes to me because all the bills are in my name", Mr McManus said.

But the contract required Mr McManus to take out insurance to cover both all of the ACT's costs and the ACT from loss of profit. From some back of the envelope sums that we have been able to do as a result of information provided by the Chief Minister, the anticipated loss of profit is something just for the ACT. Our share of the anticipated profit that we have lost is of the order of about \$100,000.

It is interesting to try to reconcile that with Mr McManus' claim that the insurance would come to him when, under the terms of the contract, he has covered us to the tune of at least, on the Chief Minister's reckoning, around about \$100,000. I am hoping that the papers that will be revealed as a result of this motion will explain exactly how BOPL managed this contract.

In conclusion, this motion is directed to obtaining information from the Stadiums Authority on the basis that the Chief Minister, or at least her spokesperson, believes that the Stadiums Authority is the appropriate government agency to give the information and that the information is in the possession of that authority. If it is not the case, as has been indicated publicly by the Chief Minister's spokesperson, that it is the Stadiums Authority, can the Chief Minister give us an undertaking today that she will provide the information herself from whatever agency it is that has the responsibility for this matter.

MS CARNELL (Chief Minister) (11.40): Mr Speaker, this morning Mr Stanhope again accused me of not releasing information. This is simply not correct. In the Legislative Assembly on 8 and 9 March 2000 I provided quite specific details about the total event budget expenditure, total revenue, total ticket sales—down to the fact that it was 10,558—and break-even analysis.

I will again provide that information. The total event budget was approximately \$550,000; the total revenue to the stage of the concert being cancelled was \$744,000; total ticket sales were 10,558; and the break-even analysis was that we had to sell 7,811 tickets at an average price of \$71.00. After being asked some questions in the Assembly,

I wrote to BOPL, as I indicated to the Assembly I would, on 9 March 2000, seeking the board's agreement to the release of documents relating to the concert on 30 March 2000. This was again in line with my commitment to the Assembly.

BOPL then wrote to the International Touring Co Pty Ltd, ITC, requesting release of this information. The ITC responded on 7 April 2000, agreeing to release the contract which Mr Stanhope has quoted significantly from this morning—so it shows that it was released. They said, though, that they were not happy to release details surrounding the draft budget and some other documentation such as, but not limited to, the insurance policy and other information specific to performers and individual contractors.

So all information has been released. That information itself does not actually make any difference whatsoever to the amount of money that the ACT has committed, which is all in the contract itself. The arrangements involved are in the contract itself. For the life of me I cannot understand why what individual performers were paid and how much money the ITC had in its budget for things like light, energy and international airfares are in the public interest. I certainly can see why the total expenses are in the public interest, but that information has already been released. So, Mr Speaker, all information, including, as I say, the full contract between BOPL and the International Touring Co, has been released.

Mr Stanhope indicated that he was unhappy that information included in the budget had not been released. On 5 May this year Mr Tony Blunn wrote again to the International Touring Co seeking a release of those parts of the budget that do not disclose any details of an individual performer or contract, including details on the progress of insurance and the policy's operation. A response to this request was received this morning. That is quite a quick turnaround because Mr Blunn wrote on only 5 May.

Mr Speaker, I am happy to release the documentation but, again, I would ask members to ask why this is so important. Certainly, the amount they were planning to pay Roger Daltry has been blacked out, as Mr Stanhope rightly said was appropriate, and payments to individually named contractors have been taken out. The information that is left relates to really exciting things like: international airfares, \$27,000; domestic airfares; accommodation; cleaning and electricity; credit card charges; followers' spots, whatever they are; production; lights and videos; staging; trucking; car hire; publicist; press; posters; radio/television advertising; special advertising; immigration and visas—the list goes on. Why is that of interest to anybody here?

Mr Stanhope: Why is it commercial-in-confidence?

MS CARNELL: Again, it is a matter of how much was the budget, not how much was paid to individual performers. This budget has lots of black lines through it and those black lines relate to individual performers. If we disregard those black lines with numbers beside them, the thing that is interesting about this whole document is the total expenses at the bottom. What is of interest is how much were the total expenses for the concert, not how much money was spent on immigration and visas, back line hire, accountancy and coach hire. The total expenses have already been released and that, I agree, is in the public interest. But, for the life of me, I do not understand why information relating to what the International Touring Co paid for production and lights is so pressing that we have to debate this matter today.

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Mr Speaker, I would love those opposite to explain why they seem to believe that it is in the public interest to have a breakdown of expenditure which does not contain information on individuals. I say to those members who are listening that this is an important issue. There is no doubt at all that documentation that is in the public interest should be released. But it is important for this Assembly to draw a line in respect of this sort of information that is put together by third parties, somebody that we are dealing with in a commercial way. If we start asking them for information “just because”—and that is what Mr Stanhope said when I asked him—

Mr Berry: No, he never said, “Just because”.

MS CARNELL: When I asked him, “Why is this important, why is this in the public interest?” he said, quite simply, “Because it is about disclosure.” But is it disclosure—

Mr Berry: That’s right and keeping you accountable.

MS CARNELL: This is important, Mr Speaker. We go down the path of accountability and disclosure because that is in the public interest. But when we reach a situation where accountability and disclosure actually impact negatively on another party and there is no benefit to the public generally, have we not then stepped over the line? Have we not then started to release documentation, or be required to release documentation, that actually is a negative to a party that we deal with?

Mr Berry: We tell the world what we pay every individual doctor in our hospitals.

MS CARNELL: I will table this document. Mr Speaker it is interesting that Mr Berry is interjecting. Mr Berry was the health minister who would not release any information at all.

Mr Berry: About what?

MS CARNELL: On waiting lists; on anything else. I remember when this side of the house asked for information relating to Canberra Milk sponsorship of the Raiders. Remember the Canberra Milk Raiders? Mr Berry’s comment at that time and on many other occasions was: “Don’t be so stupid, that is commercial-in-confidence. That information, if released, could cause real problems to Canberra Milk in terms of its commercial relationship with the Raiders.”

Mr Berry: You should have moved a motion then and required me to.

MS CARNELL: We did not because we accepted that if that information was on the table it would set a new benchmark for sponsorship at a particular level—

Mr Berry: No, it was not that. It was because you did not have the numbers and you knew it.

MS CARNELL: Mr Speaker could you please ask Mr Berry to be quiet.

MR SPEAKER: I would ask Mr Berry to be quiet. He will have a chance to participate in this debate. Mr Stanhope was heard in relative silence. Please extend the same courtesy.

Mr Berry: Well, if she wants me to respond, I am happy to do so.

MS CARNELL: He has interjected more in the first few minutes of my speech than I did in the whole of Mr Stanhope's speech.

Mr Speaker, I will come back to the point I was making. What the Assembly has to do—and we did this in opposition—is make a decision, make a call, on whether requiring information actually does add or does contribute to the public good. I hope every member has a look at the document that I just released to determine whether any of that information adds one jot to the public good. I suggest to you it does not. What it does give is the bottom line—the total expenses for the concert, which is information that has already been provided. But Mr Stanhope has been bellyaching about not knowing how much money was spent on electricity and airline fares, which strikes me as extraordinarily unnecessary.

Mr Stanhope has requested under the Freedom of Information Act that the Department of Treasury and Infrastructure release any documents held in this matter. He went through this in his speech. What did the department do? The department responded, saying no such documents were in their custody. They did not just say that. They said they were aware that BOPL, Bruce Operations Pty Ltd, had such information and that Mr Stanhope should request the information from them. So Mr Stanhope was not messed around, as he indicated. He made the request to the department and the department said, “No, go to BOPL because they are the responsible organisation.”

The letter also recognised that BOPL was soon to release the contract previously requested by Mr Berry in this place. It made it clear to Mr Stanhope that the contract was about to be released. Bruce Operations Pty Ltd did not take out the insurance policy. I ask those members who have not read the contract—and I accept that it is quite a large document—to please do so because what it indicates quite clearly is that it was the responsibility of the International Touring Co to take out the insurance policy. So the policy is between the International Touring Co, as required in the contract with us, and the insurer, not with us at all. The contract with us, the contract that has been released, makes it clear that the International Touring Co is required to take out that policy. If they did not, we could sue them because it is in the contract that they must.

Mr Stanhope: Are you going to sue them?

MS CARNELL: No, they did. They did take out an insurance policy, which has been sighted as is—

Mr Berry: How did you know that? Why did you not hand it over under the freedom of information?

MS CARNELL: Mr Speaker.

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MR SPEAKER: Order, please.

MS CARNELL: They did take out the insurance policy and it has been sighted by BOPL, as was required in the contract. So the contract has been fulfilled.

Why wouldn't the International Touring Co want to release that insurance policy? I will tell you, and I have to say that Mr Stanhope knows because he has been told already. The reason is that the insurance policy does not just cover our concert, it covers the whole tour, as you would expect it to. Mr McManus was not going to go out and put in place a different insurance policy for every venue right around the country. So the insurance policy is for the tour as a whole. I have to say to Mr Stanhope, or maybe Mr Berry, that Mr McManus indicated in the letters that have been provided that he did not want to release that information because it did have particular information about performers and also particular information about his company and the business relating to the tour as a whole. So the reason he does not want to release it is not because of any funny business. It is that it is not just for our concert. It has business details—

Mr Berry: But it is our insurance policy, too. It is ours as well.

MS CARNELL: Mr Speaker, can I come back to it?

MR SPEAKER: Order!

MS CARNELL: It is not our insurance policy. The insurance policy was signed by the International Touring Co and the insurer.

Mr Berry: And us.

MS CARNELL: No. There is no ACT signature on that policy.

Mr Berry: It is in our name, though.

MS CARNELL: There is no reason for there to be, because there is a requirement in our contract with the ITC for them to take out insurance, which they did and we sighted the policy. It is also required in the contract for that insurance policy to cover a number of things, which it does, as Mr Stanhope said.

Mr Kaine: How do you know that it does?

MS CARNELL: Because they have sighted it. It is required—

Mr Kaine: If you have sighted it, the Leader of the Opposition must have also.

MS CARNELL: Again, I have not sighted it. BOPL have sighted it, as is required in this document.

I just make the point that the contract is on the table and has been sighted by all members. If ITC had not taken out a policy to cover cancellation, rain, loss of profits, as is set out in the contract with them, in black and white that we can all see, then it is the International Touring Co that can be sued by us for not fulfilling the contract.

(Extension of time granted.) That is the reason, as I understand it, that the International Touring Co is not willing for the insurance policy to be tabled. It is not a contract that we have signed. It is an insurance policy between them, as required in our contract with them, and the insurance company.

Mr Stanhope: And us. We are parties to it.

MS CARNELL: Mr Speaker, I make the point again: there is no BOPL signature on that—

Mr Stanhope: No, but they are a party—

MR SPEAKER: Order, please! Order, Mr Stanhope!

Mr Stanhope: Well, the Chief Minister is just wrong.

MR SPEAKER: This is not a court of law. We are having a debate, I hope.

MS CARNELL: I can guarantee to the Assembly that BOPL is not a signatory to this policy. This is made clear in the contract that has been released. As I said, I have now released the budget with everything in it, apart from individual performer's and contractor's requirements.

Again I say: Bruce Operations Pty Ltd did not take out the insurance policy, nor were they required to. It was taken out by the International Touring Co and covered the entire tour in Australia. It is not specific to—

Mr Stanhope: But BOPL is a party—

MS CARNELL: Mr Speaker, could you please—

MR SPEAKER: Yes. Would you just be quiet, Mr Stanhope.

Mr Stanhope: Well, admit that BOPL is a party to the—

MR SPEAKER: I will not allow interjections.

MS CARNELL: It is not specific to any venue and includes specific details on performers, et cetera. The policy and subsequent claim, therefore, is a matter for the International Touring Co and is between them and the insurer, as you would expect because the contract is between them and the insurer. However, I can say that the policy type covered the following: abandonment, postponement, rescheduling, and cancelling. Again, that is not new information that is in the contract, but it was sighted and it is there. The policy, as a consequence, covered the expenses of the tour and loss of profit. Again, the requirement of the International Touring Co to do those things is in the contract.

The assessor has commenced his review of the claim and is liaising with some of the underwriters who are based in London, if that gives anyone any clues as to whom it might be. At this stage it is not known how long the process for the claim will take.

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Maybe it is worth running through a couple of the issues that Mr Stanhope raised, even though they are not actually in his motion. The joint venture was with Bruce Stadium Pty Ltd, not the newly created Stadiums Authority. Accordingly, the appropriate entity to deal with in this matter is BOPL. It is anticipated that BOPL, for legal purposes, will become a shell on 30 June 2000 and Bruce Property Trust, that is BPT, will be wound up on that date as well. Assets and liabilities from these entities will be transferred to the new authority on that date.

Bruce Operations Pty Ltd will continue to be the operational company involved until 30 June 2000. Again, the information that Mr Stanhope was given was to go to BOPL for information. That is why he did it, I assume. The Stadiums Authority Act was introduced into the Assembly on 9 December last year, and subsequently passed on 29 February this year. The initial gazettal of the authority was on 17 March this year and the gazettal of the notice of commencement of the authority was on 13 April this year.

While the authority now exists, there are, however, a number of things that still need to be done before it is operational. For simplicity, it was decided that the authority would take over operation and management of this stadium from 1 July 2000. This will ensure that all accounting, financial and legal issues can be addressed in a financial year sense. Accordingly, the Stadiums Authority is not yet operational and BOPL remains the responsible entity.

Again, Mr Stanhope was told and he has up until now dealt with BOPL on this issue. It is simply nonsense, and I have to say a political stunt, to make an issue, certainly when one does not exist, of who is responsible and who is not. Mr Stanhope knows perfectly well who is responsible and has been dealing with them.

Mr Speaker, I suppose the Assembly has to address the issue of when information should be made available and when it is in the public interest to do so. For example, we are currently building the hospice down near the Boat House. Should we be requiring the relationship between the contractor we are dealing with and paying and his or her bank to be released in this place simply because that could be regarded as being in the public interest? Obviously we would want to ensure that the contractor has liquidity, that the contractor has enough money and so on.

Mr Stanhope: They are pre-certified or they should not be employed, so we know that.

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, equally we could easily say, in this place, that those—

Mr Stanhope: Pre-certification applies.

MR SPEAKER: Order! Would you be quiet, Mr Stanhope.

MS CARNELL: If we start going down that path, asking for contracts between people we deal with and third parties to be made available, I would have to say we are treading in a very, very dangerous area. To start with, I do not know how we would do it. I do not

know how we can force a party with whom we deal—the contractor that is building the hospice or, for that matter, the International Touring Co—to release documents or contracts to which we are not signatories. And that is the issue here.

All the information but the insurance policy has been made available. The contract has been made available. The requirement of the International Touring Co to cover the ACT for various things has been made available. So why is it in the public interest to actually sight the insurance policy? I would have to say that if at some stage down the track the insurance company says, “No, we are not going to pay” that could be a different issue. But at the moment it is being assessed like any other insurance claim.

Mr Stanhope: Would you release it if it was in our name?

MS CARNELL: Mr Speaker, how often are you going to tell him?

MR SPEAKER: Order! I am getting very tired of this. This is not a court of law and if you do not behave yourself, I will name you.

Mr Stanhope: Well, if the Chief Minister will answer that question, Mr Speaker. Just on that point, Mr Speaker—

MR SPEAKER: I am sick of your interjections.

Mr Stanhope: If the Chief Minister answers that question, I would be totally satisfied.

Mr Humphries: Mr Stanhope has continually defied your rulings in the course of the day, Mr Speaker.

MR SPEAKER: Indeed, and I am getting very tired of it.

Mr Humphries: That last interjection, or point of order, or whatever it was supposed to be, is an underlining of that fact.

MR SPEAKER: Do it again and we will set it in motion.

MS CARNELL: Mr Speaker, I cannot believe that Mr Stanhope, as a lawyer, could have put the last paragraph in his motion. (*Further extension of time granted.*) What he has asked for is a statement of claim and supporting documentation of the insurance claim for the concert—one that is, at this moment, with the insurance company to be assessed. I would like to be told how it would be in the public interest to table the claim that is being assessed—and obviously it is a holistic claim from ITC and BOPL. Everybody who has ever put in an insurance claim will know that you put in for things that you hope will be paid for.

Mr Stanhope: What are you trying to come at? What are you so desperate about?

MS CARNELL: Mr Speaker, what I am trying to do is take a reasonable approach to this. We have put in a holistic insurance claim that is between the touring company and BOPL. Obviously that insurance claim contains a large number of items which, to put it bluntly, will be negotiated, as is the case with any insurance claim.

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The claim is currently being negotiated with what is obviously a very large insurance company, and obviously it is a very big policy in that it covered the whole tour of Australia. Why would not putting a claim on the table now in this place and having it debated do anything but undermine the capacity of the ITC and BOPL to do a reasonable deal on our behalf? What possible benefit could there be? How detrimental could it be for us to debate, as we inevitably would if it was put on the table, the insurance claim before it has been assessed, or while it was being assessed? I ask everyone, even Mr Kaine who seems to be very positive about this approach, to have a think about how that could be detrimental to our interests and to the public interest.

Is this not all about ensuring that information that is in the public interest is released? It that not what we are here for? I am not speaking about information that could be politically useful to the opposition or information just for the sake of information. I am speaking about information that is in the public interest.

I ask members to remember that we have already put on the table the whole contract, the budget without naming individuals, the correspondence between Tony Blunn and ITC, and all of the correspondence around those issues. We have put on the table the budget, the number of tickets sold, the amount of revenue, the average price of tickets, the break-even point, the whole contract, and, again, the budget without the details of individuals. How much more could possibly be in the public interest? The information required here is not just not in the public interest. Putting an insurance claim on the table to be debated while it is being assessed by people lots bigger and tougher than us, I can promise, has no benefit at all. In fact, it would inevitably be detrimental. This is Mr Stanhope playing politics in its worst form.

If we allow this to continue as an Assembly, forget Bruce Stadium or anything else. All that can happen is a negative scenario for the people whom we represent. All I ask is for everybody to have a think about that. Have a think about where the line is here. Tomorrow are we going to ask our contractors for their contracts or their relationships with their banks?

Mr Stanhope: We already do.

MS CARNELL: Actually, we do not.

Mr Humphries: Not on the public table.

MR SPEAKER: Order!

MS CARNELL: Not on the public record. By the way, we know about all of the information that you have got here, just like we do with regard to our contractors. But we do not put it on the table in the Assembly, and that is the difference. That is what you are requiring here. This is an enormous step over the line. I ask again members to think about it seriously; to think about whether there is any public benefit.

MR QUINLAN (12.08): Mr Speaker, I had not intended to speak in this debate. However, I want to make one or two points very quickly. First of all, according to what the Chief Minister has said the commercial world out there is very precious indeed. I rather think that, driven by the profit motive, they are not nearly so precious as what she would imply.

The other point that I wanted to make is that it was only in the last minute or so of a very long speech that the Chief Minister used the term “detrimental”. The bulk of the speech centred on the Chief Minister’s test as to whether the release of information would contribute to the public good. That attitude might go to the heart of other problems that we have had in this place. I rather think that the test has got to be whether the release of the particular information would have a negative or detrimental impact on the public good. The public good here relates to accountability and open government.

Ms Carnell: All the information is available.

MR QUINLAN: Excuse me, Mr Speaker. Would you name her.

MR SPEAKER: Order, please. I do not want interjections from either side of the house, thank you.

MR QUINLAN: The onus, in this case, is not on the requestor to justify asking for information in this place. It is fairly damn obvious that we are here for specific purposes related to government of the territory. The onus must always rest on the withholder of the information.

I will conclude by observing that Ms Carnell accused Mr Stanhope of engaging in a political stunt. If it is a political stunt, kill it by giving the information requested or justifying the withholding of it. Do one or the other.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.11): Mr Speaker, I want to emphasise the issue which has been raised by the Chief Minister about the value of the exercise which is being undertaken here. Being cynical, one would have to conclude that anything at all which was being said about Bruce Stadium, anything at all that could be used to generate a headline or produce a motion or some kind of other publicity about Bruce Stadium, would be in the interests of the opposition in this place. What we are seeing today is, therefore, not surprising at all. I do not begrudge the opposition an opportunity to use issues of this kind to some degree for political advantage. I acknowledge that this is a likely scenario, and that we are going to see this kind of publicity arising out of Bruce Stadium.

At the request of Mr Stanhope, the Chief Minister tabled a large amount of information about Bruce Stadium. Mr Stanhope has come back and asked for the things that he was not given. I ask members to put themselves in the position of the Chief Minister when this particular request for information was made in the first place by Mr Stanhope and Mr Berry. It was very obvious to anybody that whatever we did not provide to Mr Berry and Mr Stanhope would become the subject of at least an adverse press release, and certainly adverse comment in the media about secrecy, lack of openness, unaccountability and so on. We knew all those things would come out and we also

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expected that there would be further action in committees or probably even on the floor of this Assembly. So we knew that whatever was not provided was going to be subject to motions and other political steps in a place like this.

But we did not release the information because of what we believed were good reasons to do with the preservation and protection of the reputation of the ACT and its agencies as reasonable players to do business with. We believed that that reputation deserved to be honoured and protected. We decided that information could not be released, given the position being taken by the company, the International Touring Co, with whom we were dealing in this exercise.

Mr Speaker, I pose the same question that has been posed by the Chief Minister: where is the public interest in disclosing the information that is being sought in this motion? What is being sought in this motion is an insurance policy. Let us be clear about this. The ACT is contracting with ITC, the International Touring Co, for the provision of the services of the artists who make up the Ultimate Rock Symphony. We say to ITC, "You must make sure these artists' services are provided. If they are not provided, if they pull out at the last minute after we have filled the stadium full of people to listen to them, it is your responsibility to compensate us for that lack of performance, for that loss of profit if you like."

ITC protects its capacity to do that for the ACT in the event of something going wrong by taking out the insurance policy, as it is required to do. The policy names the ACT as a beneficiary of the policy, so that if ITC went under for some reason the ACT would still be able to gain a benefit from that particular insurance policy. That is why we have got an insurance policy there but we are not a party in that sense to the insurance policy. We are a beneficiary of it. If I get a builder to build my house, he is obliged to take out an insurance policy to protect his performance.

Ms Carnell: Your name is in it.

MR HUMPHRIES: And my name is actually in his insurance policy, so if he disappears I can still go back and get some benefit from that policy. Insurance policies, particularly policies related to one-off type activities such as major rock groups touring Australia, are very commercially sensitive documents. The small number of entrepreneurial companies that provide for this kind of touring in Australia jealously guard these documents. These companies have got only a small number of competitors and if those competitors are able to see, from the insurance arrangements that are made, the details of what they are doing such as how much they are paying their client artists, all of a sudden they will be in a competitively disadvantaged position.

I ask members to consider what will happen if ultimately documents and information of the kind sought in this motion are tabled in this place or published, to the detriment of the International Touring Co. What will that say to other people who may wish to deal with the ACT in the future? What will that say about the ACT as a partner in these sorts of ventures?

What is the position if you want to deal with agencies of the Queensland government, the New South Wales government, the Victorian government, or any other government in Australia? Oppositions in those parliaments which come forward and say, "We want to

see the details” are told, “Sorry, that is commercial-in-confidence. You cannot see it.” We know that this is being said in those jurisdictions at the moment when those sorts of questions are asked about deals. But, if you do it in respect of the ACT, you might be forced to disclose your information. If you do not want information disclosed, do not come to the ACT; do not do a deal with the ACT.

Mr Speaker, there are a whole range of instances of the difference in approach between that which is demanded by the ACT Labor opposition and that which is practised by the state Labor governments elsewhere in this country. A good example is subsidies to businesses provided under business incentive programs. When the opposition in Queensland asked the Premier in Queensland to provide details of the direct public subsidy involved with Virgin Airlines going to Queensland, Mr Beattie said, “You are not going to know that information. That is information which we will keep to ourselves. You can go jump in the lake. If you knew what I know you would realise it was a good deal. But you are not going to know what I know because I am not going to release the information.” That is the view of other Labor governments. It is also the view of the Labor Party in this place. Why do I say that? I do so because that was their view when they were in government and they were asked to disclose information of a commercial kind.

I ask members to put themselves in this position: why should we provide information of a kind which the Labor Party, when it was in government, was not prepared to supply in similar circumstances? The Labor Party was asked to supply details of its contractual arrangements with the Canberra Raiders. It said, “No, we are not going to do that. It is not in the public interest.” Why is this in the public interest when that was not? Why is it okay to release information, very much against the wishes of a private party who has dealt with the ACT in good faith, and not in the public interest to release information when it was in the hands of the former Labor government? Where does it end; where is the line drawn in these matters?

Mr Berry: What was your position—

Ms Carnell: We didn’t push it.

MR HUMPHRIES: No. Mr Berry made the point by way of interjection that we did not have the numbers so we could not get documents released. We would have been a very poor opposition if we had tried to seek to have the information released, any more than we would have tried to release the information available in the VITAB contract. This is a bad time to come back in, Mr Berry—

Mr Berry: I thought I’d come in and give you a brush up.

MR HUMPHRIES: The fact of the matter is that releasing that information would have been to the detriment of the ACT. (*Extension of time granted.*) Tabling the VITAB contract, tabling the contracts with the Raiders and tabling other commercially sensitive contracts would, apart from exposing their position and disadvantaging them vis-à-vis their competitors, also have the potential of opening the ACT itself to legal action for disclosure of things that were agreed between particular parties and the ACT to be commercial-in-confidence.

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I ask members to put their bullshit filters up for just a moment and ask themselves why is it that this mob over here constantly relied on commercial-in-confidence when they were in government and now say, “It does not matter; commercial-in-confidence should be no protection; put the documents on the table.” Why? What is the difference; what is the material difference between these two positions? There simply is not any.

The government realises that every time it keeps a document back it exposes itself to motions like this on the floor of the Assembly. We have to weigh very carefully the basis on which to refuse to supply the information. In some ways being sued is actually not a particularly serious consequence. In one sense, being sued would be a welcome relief because at least it would prove to people that we are serious and we mean it when we say that we suffer a financial loss, potentially, because of a breach of a contract by tabling documents which might be commercial-in-confidence. At least we would prove the point that there is a public interest we are protecting by refusing to disclose these documents.

In this case the issue on the other side of the coin has to be put: where is the public interest in this disclosure? What advantage does the ACT community obtain by putting, for example, the statement of claim which has been made by another company—by an independent third party, ITC—against its insurance company? Where is the public interest?

Mr Stanhope wants to know because he has been told he cannot have the document. He wants to know because he sees it is an advantage to give the government a kick in the teeth. He can run around saying, “Secretive government. What have they got to hide? Give us the documents.” Another day’s headlines about Bruce Stadium—that is his interest in the matter. But what is the public interest in disclosing that? There is a public disadvantage, there is a public disbenefit, as the Chief Minister has explained. There is certainly a disadvantage to ITC, which desperately does not want to have that information on the table for reasons which relate only to its own commercial interest.

Some of you might imagine that we have put ITC up to this, that we have talked to them and said, “Look, please say that you do not want this information disclosed so we do not have to put it on the table.” It is not in our interests to have the information not disclosed. The information not being disclosed opens us up to a motion like the one before us today and hurts the government politically very badly. It is not in our interest to have it kept in the hands of ITC at any point in time, but it is very much to the disadvantage of ITC and, in turn, every other company that might deal with the ACT in the future. That is the public disbenefit from disclosure.

If members could have some inkling that there is a disbenefit to the public, then the question becomes: what is the offsetting public benefit in having it disclosed? This question has not been answered by Mr Stanhope or by Mr Quinlan in this debate. What advantage does the public of the ACT obtain by looking at the statement of claim by the International Touring Co against X insurance company?

Mr Berry: It is only at a reconciliation stage.

MR HUMPHRIES: But you do not want just a reconciliation; you want that information as well—it is in paragraph (iv). How does looking at the insurance policy itself advance the situation? Where is the public benefit?

I ask members to consider whether this information is going to help the ACT and what precedent this will set. I ask them to consider what will not be disclosable in the future merely because a member of the Assembly says, "I want the information."

MR BERRY (12.25): Mr Humphries posed the question: what has changed? Well, quite a bit has changed. In the first place, no previous government that has ever graced self-government in the ACT has ever had a record like this lot. Mr Humphries and Ms Carnell bleat about the fact that they were not able to get access to information from previous Labor governments because—

Members interjecting—

MR SPEAKER: Order! Mr Berry has the floor.

MR BERRY: They never bothered to move a motion and they never had the numbers to do it. And the circumstances were quite different. No previous government in this place ever had a futsal slab to start with. That was the start of the rot. And then, of course, we went to the disastrous Acton and Kingston land swap which cost this territory so much, the hospice and the costs that that has imposed on the territory, the hospital implosion that left one of our citizens dead—

Mr Humphries: Mr Speaker—

MR SPEAKER: Order! Just a moment please.

Mr Humphries: Mr Speaker, I know that Mr Berry likes to go through this speech every time he rises to his feet on whatever subject. It is not related to what is before the Assembly today.

MR BERRY: No, this is entirely related.

MR SPEAKER: Thank you. Relevance, Mr Berry, please.

MR BERRY: Mr Humphries asked the question, "What has changed?" What has changed is that we have a government which has left footpaths in the political landscape littered with financial disasters. That is what we have got in front of us now. We have a community that questions every move this government makes—the hospital implosion that left one of our fair citizens killed, the Hall/Kinlyside disaster, and, of course, the disastrous Bruce Stadium about which we have yet to discover all the facts. Those are the things that have changed and that is why it is incumbent upon the Labor opposition to discover all of the information. It is in the public interest for the community to fully understand what this government has been up to.

A little while ago I saw a press report which indicated that the government would be only too happy to give us all of the information. But all of a sudden they are struggling, and the pain and suffering they are going through to stop us getting the information belies those earlier claims.

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It seems to me that this government is now desperate to prevent any further information coming out about it. They have been in deep trouble over financial disasters throughout their period of office in this place and they still try to cover it up. Nobody should listen to their pleadings about the past. Things have changed.

This is a government that has a history littered with financial disasters. This is the worst government that this territory has ever seen in relation to financial disasters and the community demands that we discover every piece of information that we can about them. It is incumbent upon us as members of the opposition, as it is on every other member of this place, to further disclose your bumbles, and this is part of the process. You said you would be happy to give it to us. Now is your chance. Support the motion.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Fuel Sales Grants Scheme

MR STANHOPE: Mr Speaker, my question is to the Treasurer. Given the Treasurer's concession yesterday that his federal colleagues had not bothered to consult the ACT over the decision to exclude most of the territory from the diesel fuel rebate scheme and that his subsequent representations had fallen on deaf ears, can the Treasurer tell the Assembly today whether a similar outcome is likely in relation to the fuel sales grants scheme announced last night in Mr Costello's thin-air budget, that is, will Canberra motorists be beneficiaries of the subsidy designed to compensate those living in rural and regional Australia for the high petrol prices they are forced to pay?

MR HUMPHRIES: First of all, the question is speculating about a matter. It is a hypothetical question. What the federal government is going to do is not within my power to deal with, Mr Speaker. If Mr Stanhope wants to have a go at the federal government, there must be more sophisticated ways than that to do so, Mr Speaker.

Ms Carnell: Probably not.

MR HUMPHRIES: Probably not, yes, let's be frank. Mr Speaker, I am glad that we have gone back over the question of the diesel fuel rebate arrangements. On the point Mr Stanhope was limply trying to make in that question—that we do not have much leverage with the federal government—I would just note the things in the federal budget that the ACT sought and that have been very good news for the ACT—\$12.3 million for the duplication of the Barton Highway and a number of other spending initiatives which will affect the ACT very positively; but, most important of all perhaps, the return of significant amounts of money to ACT taxpayers in the form of the tax cuts and the cancellation of the Timor levy. The initial estimate of my department on the benefit of that to ACT taxpayers is about \$150 million a year. That is a very big improvement in the position of ACT taxpayers as a result of this federal budget.

On the question of the rebate, I mentioned yesterday that Mitchell was one of the suburbs that were to be included. In fact, it is not for Mitchell; the suburbs are Hall, Oaks Estate, Symonston, which I think includes Hume, but it is not entirely clear at this stage, and Tharwa. Mr Speaker, I was struck by the curiosity of being attacked on the question of the limitations in the diesel—

Mr Stanhope: It was just a question.

MR HUMPHRIES: No, it was not just a question; it was an attack on the limitations in the federal government's diesel fuel rebate scheme. "How dare you not wring some concession from the federal government to have the lines drawn differently on the map!" Mr Speaker, I am reminded since yesterday that, in fact, it was not the position of the federal government to have lines on a map. The federal government's position was that there should be a rebate scheme applying across the whole of Australia, to every Australian citizen.

Why is there not a rebate scheme applying across the whole of Australia. It is because the Australian Labor Party, in the federal Senate, said, "We are not going to be a part of this. We are opposed to everything you do with this rebate scheme and all the other tax reform measures. We are crossing our arms and keeping our lips sealed tight. If you want to get this through, you have to go off and do a deal with the Australian Democrats."

If Mr Stanhope and Mr Quinlan really think that they could do better on that score, perhaps they ought to start by going and speaking with their federal Labor colleagues now—now—and getting them to change their position on the rebate arrangements and agree to support a rebate scheme which covers every Australian, metropolitan and rural.

Gungahlin Drive Extension

MS TUCKER: My question is directed to the Minister for Urban Services. Minister, yesterday you read out a statement from David Gower, the president of the Gungahlin Community Council. Let me take the liberty today of reading out what Mr Gower said to the urban services committee last Friday at its hearing into the Gungahlin Drive extension. This is taken from the draft transcript, so it could contain some errors; but the substance is quite clear. Mr Gower said:

In discussions with PALM and members from Mr Smyth's office, it was intimated that the government would be pressing for one option, and one option only ...

Pressure was put on us to a degree that if we did not support the government's option, which is the eastern alignment, we would not get a road ...

At the recent meeting we had Brendan Smyth, at our March monthly meeting of the community council and in a private discussion as he was walking out of that meeting, he said to me, quietly, "If the eastern route does not get up, then Gungahlin will not get a road."

Mr Smyth, did those conversations occur?

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Mr Corbell: He said it before an Assembly committee. Are you suggesting he lied? Are you suggesting he lied?

MR SPEAKER: Order! The minister will answer the question, thank you, not anybody else.

Mr Corbell: Are you suggesting he lied? Are you suggesting he lied?

MR SPEAKER: Do you want to have a chance to ask a question, Mr Corbell, or would you prefer to be out of the chamber for the rest of question time?

Mr Corbell: No, I would much rather be here, Mr Speaker.

MR SMYTH: Mr Speaker, the interpretation of the word “pressure” and how it has been applied seem to be the issue here. Mr Speaker, what I have said, and what I have consistently said, is that the government has done the work that leads us to the belief that the eastern route is the best route to service the need of all Canberrans. The work was done by the former Minister for the Environment, Land and Planning and the government stands by that position.

I have also said on many occasions that there are those out there who would seek to knock this road off. Indeed, last Friday, I am told, at the urban services committee meeting there were those who put the position that this road should not be built. That is not the government saying it; it is other people saying it. I have simply said that they need to stand up and express their opinion, and they have done it now.

Mr Gower has clarified what he said at the urban services committee meeting and I am more than happy to read it into the record again. It is quite clear that he does not believe, unlike what those opposite would like to portray, that I have done anything untoward.

MS TUCKER: I have a supplementary question. Can you now assure this Assembly and the people of Gungahlin that if the Assembly decides to reject the eastern route for the Gungahlin Drive extension and recommends that the road be built on a different route, you will comply with the Assembly’s wishes?

MR SMYTH: Mr Speaker, we will look at the recommendations of the committee, but the government’s stated position does not change. We have a report commissioned by the former minister which clearly says that this is the best route. We have chosen that route. What we have here is a game, just the spin doctors at work because they do not like the fact that the Gungahlin Community Council and the residents of Gungahlin are standing up for themselves. They are expressing an opinion that coincides with the government’s and it is clearly something—

Mr Corbell: They changed their opinion under pressure.

MR SMYTH: Mr Corbell interjects that they changed their opinion under pressure. Given what was said in the statement, I contacted Roma Hosking to ask her for clarification of what supposedly had been said and had they, in fact, changed their position. I asked Roma to put it in writing. She related it to me over the phone and I said,

“Would you mind putting that in writing because I am sure there are those who will say that they do not believe me.” I will read the letter from the Reverend Roma Hosking, Pastor, Cornerstone Christian Church, and editor of the “Gunsmoke” newsletter. It begins:

Dear Brendan,

I wish to assure you that I am disappointed that members of the opposition have chosen to take out of context remarks made by you at the April meeting of the Gungahlin Community Council in response to my question—

the Reverend Roma Hosking’s question—

concerning the need for Gungahlin residents to write letters to the Standing Committee on Planning and Urban Services in order to make our views known about the need for the extension of Gungahlin Drive ...

As you and I both know you were the invited guest at the above meeting and the subject of roads was chosen prior to the meeting on our initiative—

the community council’s initiative—

not yours, so those who are accusing you of manipulating or blackmailing the community are doing so under false pretences. It is true that the Community Council Executive did “not tell people which route to choose” but encouraged them to write their own letters. David Gower did write a sample letter which folks could copy if they chose and some folks may have done this. I also wrote a letter which was available to people as an example of the kind of clarity which I believed would be helpful.

Please note that several members of the executive of the Community Council attended the Maunsell workshops in 1996 and at those workshops we made it clear that we preferred option 3—

the government’s route—

which had links to Barry Drive and to Caswell Drive—

goodness me, 1996; let me read it again—

we made it clear that we preferred option three...which had links to Barry Drive and to Caswell Drive, now known as the eastern route — the government’s preferred route. This pre-dates the present discussion by 4 years.

In response to the question “Do we feel any pressure to lobby for a transport corridor and a particular route?” the answer is yes! That pressure is coming from the very vocal and in our view, unbalanced lobby being put forward by the Save the Ridge group. It was because of the concerted effort by this group that we became worried that implementation of a suitable transport corridor for Gungahlin/North Canberra would be hijacked. We had already seen evidence of this at the Maunsell Workshops which is why we invited you to attend our meeting and why we asked assistance on how to run a campaign.

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This is surely our right. We appreciate your assistance in this matter. We have begun to feel that you are the only politician listening to our concerns.

It goes on:

I object to the notion that somehow the Greens, namely Ms Kerrie Tucker can ask me to come into her office to discuss my choice in favour of the Eastern Route for the Gungahlin extension while you are called into question for “influencing” this community. Ms Tucker was clearly trying to influence me to change my mind. Her view was clearly against the eastern route and in favour of the Western route if there had to be a route. I call on those accusing you of improper conduct to apply the same rules to themselves or drop the charge.

Brendan, please continue to represent the interests of the Gungahlin people. Please do not allow members of the opposition to hijack the process which needs to be put in place in order that residents of Gungahlin be able to get to and from work in good time and reasonable safety.

May the Lord grant you wisdom and shrewdness of mind as you seek to serve others for the best in this lovely city of Canberra.

It is signed by Pastor Roma Hosking.

Gungahlin Drive Extension

MR BERRY: My question is to the Minister for Urban Services. Mr Smyth, I direct you to evidence that was given to the urban services committee when Mr Gower attended. He said in response to a question from Mr Corbell:

At the recent meeting we had Brendan Smyth, at our March monthly meeting of the community council and in a private discussion as he was walking out of that meeting, he said to me, quietly, “If the eastern route does not get up, then Gungahlin will not get a road.”

Mr Smyth, I refer you to page 64 of the uncorrected proof copy for yesterday—I would ask you to listen to this carefully—where you were asked a question in relation to the matter and you said:

Mr Speaker, my senior adviser had contact with Mr Gower on Friday night. In fact, I had spoken with him I think Monday morning.

Mr Humphries: Mr Speaker, I rise to a point of order. Mr Speaker, I refer Mr Berry to standing order 117(e)(ii), which says that a question shall not refer to proceedings in committee not reported to the Assembly. Mr Berry’s question relates to such proceedings and is therefore out of order.

MR BERRY: I have not asked the question yet, Mr Speaker.

Mr Corbell: I wish to speak to the point of order, Mr Speaker.

MR SPEAKER: One moment. One person at a time.

Mr Corbell: Speaking to the point of order, Mr Speaker: the minister has already answered a question in relation to this matter, in relation to Ms Tucker's question. She also referred to proceedings currently before the Assembly committee. If Mr Smyth can answer the previous question, he can answer this one, too.

Mr Moore: No, Mr Speaker missed that one and no point of order was taken.

MR SPEAKER: Just a moment. There is not a point of order. Mr Berry is now referring to the uncorrected proof of yesterday's *Hansard*; is that correct?

MR BERRY: Yes.

Mr Humphries: No, to the *Hansard* of the committee.

MR BERRY: No, question time yesterday at page 64. He said:

Mr Speaker, my senior adviser had contact with Mr Gower on Friday night. In fact, I had spoken with him I think Monday morning.

That was said yesterday.

MR SPEAKER: That is true. Proceed.

MR BERRY: Mr Speaker, will the minister now deny that neither he nor his senior adviser or anyone else from his office or department solicited any part of the statement issued by Mr Gower following his appearance at the public hearing on 5 May 2000?

MR SMYTH: Mr Speaker, my senior adviser contacted Mr Gower, as I told the Assembly yesterday, to find out what he had said in the committee hearing because she was not present and had not heard it and we were being asked by the media for comment. Mr Gower advised that he had been misunderstood and that the statements being made by Mr Corbell were not correct, and he issued the statement of his own volition.

Biotechnology Industry

MR HIRD: My question is to the Chief Minister, Mrs Carnell, in her capacity as minister for business. Can the Chief Minister tell the parliament what support the ACT government is providing for the development of Canberra's biotechnology industry?

MS CARNELL: I thank Mr Hird for the question. Mr Speaker, I will begin by sharing with members what we mean when we talk about biotechnology, which seems to be somewhat of a buzz word around the world at the moment. Perhaps the best definition I have heard is that biotechnology is the application of techniques that use living organisms to make or modify products, to improve plants and animals, or to develop micro-organisms for specific purposes.

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Biotechnology is used in research, development and manufacturing across a range of industries, such as health care, agriculture and food. It is generally accepted that biotechnology is a growth industry of the future, creating highly-skilled and highly-paid jobs, as well as harnessing the intellectual and creative power of researchers and scientists.

It is recognised, too, that communities which have a substantial research capacity are well placed to take advantage of the growth in this field. It is here that the ACT has a definite edge in Australia. The ACT has a small but rapidly expanding biotechnology industry, centred mainly on our research institutions at the CSIRO and the John Curtin School of Medical Research.

My department will be meeting shortly with the Centre for the Application of Molecular Biology to International Agriculture, or CAMBIA for short, which is based at the CSIRO's Black Mountain campus. Over the last six years CAMBIA has grown from two scientists to more than 35 and it has advised that it anticipates creating a further 15 positions over the next few years. As an internationally recognised institute in the field of technology development for agricultural biotechnology, CAMBIA has entered into relationships with some of the world's leading companies in this area, such as Monsanto, Dupont and Dow.

Mr Speaker, perhaps one of the most exciting developments in biotechnology around the world has been happening right here in the national capital. I am talking about Biotron, a company which was set up in Canberra to build on the work of researchers at the John Curtin School of Medical Research. Biotron is currently developing a number of products—14 to be precise—of which two, Virion and C-Test, are at an advanced stage.

Virion involves a compound which in laboratory tests stops the AIDS virus, while the C-Test project focuses on cancer diagnosis, working on a simple blood test which could one day detect all cancers. Since the discovery of Virion last year, researchers have moved into toxicology tests on animals and are now patenting the drug.

Mr Speaker, as members would well know, this government was the first to truly get behind the diversification of our economy and encourage the development of new industries that harness our intellectual strengths. Our successes in attracting information technology and advanced technology jobs and investment are growing and we are now working to promote biotechnology as a strength in Canberra, too.

To this end, the government was pleased to announce recently that it had decided to invest \$250,000 through the Canberra business development fund as seed capital in Biotron to help build its research into commercial development. That was the business development fund's third major investment since its establishment as a joint venture between HIH, previously FAI, and the ACT government approximately 2½ years ago. It is the latest example of our commitment to showing these industries and investors that this government is prepared to lead the way and show what a clever capital we have.

The ACT will benefit directly through the creation of 20 new research positions, rising to 30 over the next three years. Mr Speaker, it is fair to say that, while Australia has proven that it is capable of leading the world in innovative medical research, all too often

businesses in this country have failed to support that research when funding has been needed. Thankfully, this situation is now changing with biotechnology companies now enjoying greater recognition. It is certainly my hope that this investment by the ACT government will encourage further investment in this area.

Mr Speaker, this government has also led the way in the establishment of the ACT's first research and development fund, more details of which will be announced in the budget later this month. We have created a Science and Technology Advisory Council and an Information Industry Development Board to harness ideas and agreement from our advanced industries on growing the high-tech base in Canberra.

We have also led the way by being the first government to look at creative ways of ensuring that the brightest people from around the world are encouraged to come to Canberra to continue their work. For example, we have agreed to exemptions on school fees for the children of top-level researchers, which has been instrumental in securing their agreement to come and work at the ANU.

Finally, later this year the ACT government will be announcing the territory's first ever innovation strategy, in line with the commitment I gave when I attended the national innovations summit in Melbourne earlier this year. The strategic policy group is working with agencies, the private sector and the academic community to draw together a policy that will see innovation encouraged in the ACT, be it at school, in business, in government or in our community sector. I look forward to sharing the strategy with members.

MR HIRD: Mr Speaker, I have a supplementary question. I refer the Chief Minister to comments made by Mr Quinlan in June of last year when he attacked the government for failing to support the developer of an anti-AIDS drug at the John Curtin School of Medical Research. Chief Minister, is the claim accurate?

MS CARNELL: Mr Speaker, it is interesting that Mr Quinlan was capable of standing up last June and saying that the government should be in there supporting Biotron as I have not seen Mr Quinlan get in there and say, "Well done, government." In June of last year Mr Quinlan issued—

Mr Stanhope: Did you congratulate him for giving you the idea?

MS CARNELL: Yes, I did.

Mr Stanhope: Did you thank Mr Quinlan for the idea?

MS CARNELL: Yes, in public.

Mr Stanhope: When you handed over the cheque did you say that it was actually Ted Quinlan's idea?

MR SPEAKER: Be quiet, Mr Stanhope. You are not back at one of your meetings.

Mr Stanhope: What a hypocrite!

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MS CARNELL: Actually, Mr Speaker, in June of last year Mr Quinlan issued a statement saying that Labor was all about creating a knowledge-based economy. He talked about the anti-AIDS drug—

MR SPEAKER: Order! Whoever made the remark about being a hypocrite will withdraw it as it is unparliamentary.

Mr Stanhope: I withdraw the remark, though it was not directed at anybody in particular. It was generally expressed.

MR SPEAKER: That is for me to judge. We have been through all this before and I will not pursue it. You have withdrawn it and that is that.

MS CARNELL: Mr Quinlan issued a statement saying that Labor was all about creating a knowledge-based economy. He talked about the anti-AIDS drug being an example of how we had failed to keep this project in Canberra. Let me quote from his statement, Mr Speaker:

We (the Labor Party) would have had an Office of Economic Development and Industry assessing this opportunity for the ACT. We would have had the office assessing financial options from the market, with a government backed guarantee. If the funding was found on the condition the business established in the ACT it means that we would have established a potentially multi-billion dollar industry in our back yard. This means the ALP would have been indirectly involved in the creation of hundreds of jobs, life saving ideas and importantly the involvement would not hinder the quality of life we love so much.

Noble sentiments from Mr Quinlan. This government has done exactly that. Mr Speaker, I think I made the point when Mr Quinlan made the statement that I totally agree with him. Mr Speaker, that is exactly what we have done. I agree totally that that is exactly the approach we should continue to take. Mr Speaker, I assume that Mr Quinlan and Mr Stanhope would now thank and congratulate the federal government, because in their budget they made \$31 million available over four years to allocate to the encouragement of commercialisation of biotechnology research. Mr Speaker, I look forward to the Labor Party giving support to that part of the federal government's budget.

Federal Budget

MR QUINLAN: Mr Speaker, my question is to the Treasurer. In relation to the federal budget, the Treasurer issued a statement, and repeated it in his answer to Mr Stanhope's question, that Canberra taxpayers would be better off by \$150 million as a result of the changes to taxation included in the budget. Can you enlighten this house as to the components of this \$150 million increase? Do you have ready figures of the cost to Canberrans of recent interest rate hikes and the further increases predicted immediately upon the presentation of the budget?

Mr Humphries: What was that last bit, sorry?

MR QUINLAN: Do you have ready figures as to what we will gain out of the GST? Do you also have ready figures as to the cost to Canberrans of recent interest rate hikes and further increases predicted immediately upon the presentation of this particular budget?

MR HUMPHRIES: Mr Speaker, the figure of \$150 million has come from my department. It is based on an assessment of the benefit to the ACT community arising out of a combination of two things—reductions in income tax, tax cuts, concomitant with the GST—

Mr Quinlan: Net of the GST?

MR HUMPHRIES: No, and the abolition of the Timor levy or the non-putting on of the Timor levy which was due to happen from the middle of this year. Mr Speaker, the fact is that that represents a significant injection of funds, but not into particular government programs where the spending of money would have some direct benefit on Canberra businesses and, in turn, a trickle-down effect on the community. This is a direct injection of funds into the pockets of ACT taxpayers.

Obviously, with any such benefits there are pluses and minuses, there are things that come in and there are things that go out, but the benefit is significant. It is a rough estimate given to me by my department and it is refining figures on that. The figure may well be higher when those further revisions are made, Mr Speaker.

Mr Speaker, the ready figures Mr Quinlan seeks on the GST and the flow through of revenue to the ACT from the GST I have outlined before in this place. I have indicated that the ACT is guaranteed a minimum level of payment from the Commonwealth for a number of years so as to ensure that the ACT attains no loss as a result of the implementation of the GST. When the income from the GST becomes positive, then the ACT retains the benefit of that additional income. As I have indicated already in this place, the ACT begins to get more than the guaranteed minimum amount from year 4 of the GST, which is 2004-05 or 2003-04, I forget which, and—

Mr Quinlan: I take a point of order, Mr Speaker. Can I clarify the situation because Mr Humphries might have misinterpreted the question? Mr Humphries' press release was about taxpayers being better off.

MR HUMPHRIES: Obviously, you cannot indicate how much individual taxpayers would be better off because it depends on how much they spend. If they do not spend on goods and services, they do not pay the GST. It depends on what services you buy. If you go out and buy a new car, a refrigerator, other whitegoods and so on, obviously you get more benefit because sales tax has come off and GST is lower than if you buy things for which sales tax did not previously apply but now a GST does apply.

Mr Speaker, the estimate from my department is that the ACT taxpayers will be around \$150 million a year better off from the coming financial year onwards as a result of the implementation of tax cuts and the GST and the cancellation of the Timor levy. I will make one comment on interest rates hikes, that is, that the ACT taxpayers pay about the same amount per week as the average Australian in mortgage repayments on their homes; but the average ACT citizen has a higher disposable income than the average

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Australian, which means that ACT residents on average are spending less—in fact, they are at the bottom of the table—in terms of the proportion of weekly income or monthly income being spent on mortgage repayments.

In respect of interest rates hikes for ACT citizens the impact—whereas it is never pleasant; one never likes to pay more in mortgage repayments when interest rates go up—is less on the ACT than on any other community in Australia. I think that that is good news, basically, and I invite the opposition to start to acknowledge at least a little bit of the reality. Whereas you can obsessively focus on where things go up, sometimes things go down as well and a whole picture demands a fairer assessment of the benefits of the federal budget than they have been prepared to offer so far.

MR QUINLAN: I have a supplementary question. Mr Treasurer, have your studies of the impact of the GST equipped you to inform us of the impact on a single-income family earning, say, \$50,000 a year and servicing a mortgage of \$140,000, given the consequential increases in interest as a function of this budget?

Ms Carnell: There is no consequential increase in interest.

MR QUINLAN: It is predicated immediately, is it not? Didn't you watch the tellie last night?

MR HUMPHRIES: Mr Speaker, there are so many hypotheticals. There was the hypothetical about interest rate increases and the hypothetical about a particular citizen. That is based on advice from my department about the benefit to the ACT community as a whole as a result of income tax cuts and the abolition of the Timor levy, Mr Speaker.

Mr Quinlan: Will you table the working papers?

MR HUMPHRIES: I have not got a working paper, Mr Speaker. That is the advice from my department. If Mr Quinlan does not like that advice, I suggest he get better advice.

Drug Use Study

MR KAINE: Yesterday I tried to get some information from the minister for health about the bizarre Oswaldian drug study, but I was unsuccessful. The minister, of course, is expert at saying a lot and saying nothing. I would like to try my luck today with the Attorney-General to see whether I can do better.

Minister, given that it has been confirmed that the participants in this bizarre study were using illegal drugs, were you, as chief law officer during the last five years, aware of this illegal activity; if not, why not? If you were, did you acquiesce in keeping the details of this illegal activity secret?

MR HUMPHRIES: Mr Kaine has made a number of assumptions in his question. I am not sure that a study of people using illicit drugs is itself illegal.

Mr Kaine: The use of illegal drugs is, is it not?

MR HUMPHRIES: Mr Kaine said, “Is it illegal to study the use of illegal drugs?”

Mr Kaine: No, I did not say that at all. I asked you whether you were aware of the illegal use of drugs.

MR HUMPHRIES: Was I aware of the illegal use of drugs?

Mr Kaine: Yes.

MR HUMPHRIES: Yes, Mr Speaker, I am aware that in Canberra there is the use of illegal drugs. It has filtered into my consciousness in the last few years, I have to say. My advisers have suggested that there is the use of illicit drugs in the ACT. Am I aware that someone was studying the use by a group of people of illicit drugs? Yes, I was, because, like you, I was paying attention to what was going through the Assembly. I saw a study referred to in legislation for which I voted, as did you, which facilitated that study to occur within the terms of the epidemiology act that Mr Moore referred to yesterday.

I think you asked whether I sanctioned the concealing of information about that study. I do not think I had any role to play as Attorney-General in the provision of that study, so I do not think I had any role to play in promoting or concealing information about the study. Certainly, if any information came to my attention, or to my department’s attention, which I was required to disclose in any report, then I am sure it was disclosed. I have no reason to believe that it would not have been disclosed in the usual and legal way. Mr Speaker, I think there was some notion in that question about whether I concur with the idea of having studies into illegal drug use.

Mr Kaine: I did not ask you that question at all. Why don’t you listen to the question and then you might answer it?

MR HUMPHRIES: All right. There were several parts to the questions, with respect, and I have tried to answer it, Mr Speaker. The fact is that illicit drug activity in this community is having an enormous effect on the welfare of this community—on its health, on its safety and on a whole range of economic and other factors in this community. To have studies done into the effect of illegal drugs in our community is not merely okay; it is highly desirable. In fact, it is highly necessary for our community to be doing them. I would hope that Mr Kaine will welcome the fact that information is being collected about such things so that we in this place and in the broader community can have a better informed debate about the effect of illicit drugs in our community.

MR SPEAKER: I call Mr Kaine for a supplementary question.

MR KAINE: I think I have met the greatest dissembler. I had thought the minister for health was, but not now. Minister, since you were clearly aware that the illegal use of drugs was being practised by a group of people—you were clearly aware; you have admitted that—did you, as chief law officer, at any time feel any obligation to bring the matter to the attention of the ACT police; if not, why not? You are the chief law officer of this territory.

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MR HUMPHRIES: Mr Speaker, I might take Mr Kaine's question on notice. I just do not understand what issues it is that he says I should have brought to the attention of police. I doubt that there is anything that the police were not aware of in terms of the fact that the study was taking place. I think you asked Mr Moore yesterday whether he drew the matter to the attention of the police. One assumes that the police are aware of the law of the territory, which contains references to this study. Mr Speaker, I will take the rest of Mr Kaine's question on notice and get back to him on it.

Gungahlin Drive Extension

MR CORBELL: Mr Speaker, my question is to the Minister for Urban Services. Minister, the Deputy Prime Minister, John Anderson, is quoted in today's *Canberra Times* in relation to the welcome \$2.8 million duplication of the Barton Highway as saying:

Other road improvements that are the responsibility of the ACT Government should be implemented concurrently—

namely, John Dedman Parkway, Majura Road and Horse Park Drive—

It is no use dumping extra traffic from the Barton Highway on to Northbourne Avenue unless alternatives to relieving congestion there are pursued.

Will the minister advise the Assembly, and indeed the long-suffering residents of Gungahlin, what funds the government has allocated to implement John Anderson's advice—

Ms Carnell: I take a point of order, Mr Speaker. It is actually out of order to ask a minister to announce policy.

MR CORBELL: I have not finished the question.

Ms Carnell: That is just what Mr Corbell did. He asked the minister to announce policy, to announce how much money—

MR SPEAKER: Chief Minister, I will allow him to finish the question. If it is about announcing executive policy, I will simply rule it out of order.

MR CORBELL: I am asking a question in relation to the current status of the government's actions; that is all. What funds has—has, not will—the government allocated to implement John Anderson's advice, understanding that the issue of the John Dedman Parkway is currently before an Assembly committee, with respect to the Majura Road upgrade and the Horse Park Drive extension?

MR SPEAKER: The past tense is in order, but you cannot announce executive policy for the future.

MR SMYTH: I do not intend to. If Mr Corbell had attended the Gungahlin Community Council meeting in which he has expressed such great interest in the last few days, which was actually in April, not March, he would have heard that I was able to give them an

outline of the government's proposed expenditure over the next six years. Some \$41 million in roadworks is projected in the forward estimates for Gungahlin, to look after the people of Gungahlin, because we understand their needs and we have forward planning to accommodate those needs. It is a lot of money, \$41 million.

If Mr Corbell had bothered to attend the Gungahlin Community Council meeting he could have been part of the discussion that went for almost two hours on future road planning for Gungahlin. He would have heard with others how the sequencing for the planning of Gungahlin is dependent upon the very nature of Gungahlin itself, which is broken up into three watersheds. The current development is in the central catchment and this is what predicates the development sequence.

Mr Corbell: I rise to a point of order, Mr Speaker. I asked specifically in relation to two roads, Majura Road and Horse Park Drive. Could the minister address that in his answer, please?

MR SPEAKER: Only in the past tense, if he can. I do not know; it is up to the minister.

Mr Corbell: Can you instruct him to?

MR SPEAKER: It may not be possible.

MR SMYTH: Mr Speaker, the future sequencing of the roads, of course, was dependent upon the construction of the Barton Highway. We are very pleased with the lobbying by the ACT government. The Chief Minister, Mr Humphries and I have been out there lobbying the federal government, as have Senator Reid and the Gungahlin Community Council. In fact, probably the only people who have not lobbied the federal government on this matter are those opposite. They are not interested in the people of Gungahlin; it is as simple as that.

Mr Speaker, I cannot announce future funding for Horse Park Drive or the Majura upgrade simply because it is in the future and, as you have directed, I cannot announce future government policy; but we will have a budget coming forward soon and people should wait and listen.

MR CORBELL: I will not hold my breath. I have a supplementary question, Mr Speaker. This morning the minister conducted a media sideshow at the intersection of the Barton Highway and Gungahlin Drive, claiming credit for the \$2.8 million duplication of the Barton Highway. I draw the minister's attention again to the words of the Deputy Prime Minister, who is quoted today as saying that the Commonwealth would address growing delays and safety concerns caused by the decision to link Gungahlin Drive to the Barton Highway; so the Commonwealth is going to fix the ACT government's mess. Will the minister also take credit for the growing delays and safety concerns highlighted by his federal colleague via a press conference?

MR SMYTH: It is a shame that the planning spokesperson for the Labor Party does not understand that the Barton Highway is, in fact, a federal responsibility. We have been pushing very hard for it, the same as the Chief Minister and her colleagues lobbied hard and pushed very hard before the last election to get the Federal Highway funding.

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Mr Corbell: Are you going to take credit for the mess that is out there at the moment, too?

MR SPEAKER: Order, please, Mr Corbell! You have asked your question and your supplementary question and the Minister is answering you.

MR SMYTH: What you cannot stand is that we are successful in getting things built for the ACT, in particular for the people of Gungahlin.

Building Industry Audits

MR HARGREAVES: My question is to the Minister for Urban Services. A discussion paper was released in April on private certification in the ACT building industry. Minister, the paper examines the audit system that your government adopted to ensure adequate operation of private building certifiers and condemns your government's approach to audits, saying that auditors have been performing paper audits but lacking in the number of building audits. The purpose of these audits is to inspect building sites and to examine the certificates issued by the certifiers. Apparently, PALM has said that if the auditor made a visit to a site and a structural defect was observed but not corrected, the government would be liable. Minister, are you satisfied that the building work completed since the introduction of this legislation is structurally sound?

MR SMYTH: Mr Speaker, we said when we introduced this legislation that we would review it. That is what we are doing now. That is the whole purpose of the discussion paper that is out there. If people have found difficult with this process, they should report it. I am quite happy to await the outcome of the discussion that we are having with the community. This government is one that does not jump to conclusions. We actually go out there and get the evidence. We are actually out there and are happy to talk to the community to find out how our legislation and the way that we run this territory work. I am happy to wait for that report, rather than jumping to the conclusions that those opposite always seem to do because they are not out there, they are not talking to the community.

MR HARGREAVES: I have a supplementary question, Mr Speaker. Minister, given the conclusion reached in the discussion paper on private certification, has your department or your office taken any steps to address the problem of a lack of building audits or are you more concerned about just protecting your government's back?

MR SMYTH: Again, Mr Speaker, the government made it quite clear when it introduced private certification that it was a new endeavour for the territory; that whenever we introduce legislation we like to look at its effect, and we are doing exactly as we promised. The discussion paper is out there. We are out consulting with the community and we will continue to do so. When we get the responses there we will work out whether there are flaws that need to be corrected and we will take action, if necessary.

Temporary School Classrooms

MR OSBORNE: My question is to the Minister for Education, Mr Stefaniak. Over the last few years the use of temporary buildings as classrooms for schools, especially in the south of my electorate, has been on the increase. With that increase has come a growing concern from parents about the temperature variation in the temporary buildings between summer and winter. I heard the Chief Minister on radio last week being questioned about variations in temperatures in classrooms. During this interview the Chief Minister said that she would look into that. Could you tell me whether she has contacted you about getting better control of the temperature variations in the temporary classrooms?

The Chief Minister also suggested that the buildings be airconditioned, but failed to say who would pay for that. Do schools have to pay for heating and cooling of temporary buildings out of their budgets, rather than the department? Also, I understand from this interview that Gordon Primary School's demountables have had readings of as high as 42 degrees during the hotter months. The caller also said that a temperature of 36 degrees was recorded as late as April. Could you tell me what are the heating and cooling safety standards? Are you aware that the ACT public occupational health and safety policy says that airconditioned rooms need to be kept between 20 and 24 degrees? There were lots of questions there, but I think you got the point, minister.

MR STEFANIAK: There were lots of questions there, Mr Osborne. If the Chief Minister said on Friday that she would look into that matter and she does as a result of that talkback show, I would usually get anything that is relevant to my area pretty quickly indeed. I cannot recall seeing that, but I am sure that she has done so because she has always done so in the past if that occurs, so I would not worry about that one.

In terms of airconditioning generally, Mr Osborne, the department certainly is very mindful and, indeed, schools are very mindful of ensuring when there are extremes of temperature that those things are looked into and sorted out if need be. Indeed, schools are given sums of money each year to do basic maintenance—look after basic things like heating and cooling costs. That comes out of the enhanced school-based management. We give schools at this stage about \$26 million a year to cover a number of things, including those.

You mentioned a range of temperatures, Mr Osborne. I am interested especially to hear your example of Gordon primary being up to 42 degrees. That, clearly, would be of great concern. It is something that, until you mentioned it, I was not aware of, but I will certainly look into it.

MR OSBORNE: I have a supplementary question, Mr Speaker. I have a copy of the transcript of that interview, which I will hand over to Mr Stefaniak. I seek leave to table it, Mr Speaker, just in case anyone else wants to look at it.

Leave granted.

MR OSBORNE: Minister, could you just explain to me what type of monitoring is done of classrooms? Will you undertake to monitor regularly all demountable classrooms in the future, so as to ensure that all are within the guidelines set by the OH&S act?

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MR STEFANIAK: Mr Osborne, in terms of an overall monitoring of every single classroom, I am obviously responsible for monitoring all sorts of things that occur in schools, including that. I do thank you for bringing the question to my attention. I have been aware of some problems with airconditioning on occasions. Normally, it is something that is rectified. For example, I have been aware on occasions of airconditioning units that have gone down and caused a problem for up to a day in a school because, for some reason, it cannot be fixed immediately. That has had an effect on classroom operations and other measures have been taken within the school to ensure that students and staff are not adversely discomforted. That is of crucial importance to students and the staff in terms of occupational health and safety. It is something that occasionally comes to my attention. I can assure you that if there are any problems I will do what I can to see that they are properly rectified, as indeed the schools do. If there are any specific problems over and above what we occasionally see, they are certainly things that need attending to and I thank you for bringing them to my attention.

Mr Osborne: I take a point of order, Mr Speaker. I think that Mr Stefaniak has missed the point. I was speaking more particularly about those demountables that do not have airconditioning rather than those Mr Stefaniak has been speaking about.

MR STEFANIAK: No, I appreciate that, Mr Osborne. You referred specifically to demountables. That is certainly something I will keep an eye on. I thank you for bringing that to my attention in relation specifically to demountables.

Housing—Gazumping

MR WOOD: Mr Speaker, my question is to the minister for housing. Minister, yesterday you described how ACT Housing is disposing of some stock, either to reduce maintenance costs or to increase stock in popular areas. One such house that has recently been put on the market is at 65 Tyson Street, Ainslie. I understand that, in accordance with procedures, 65 Tyson Street was put up for auction, but was handed in when it failed to reach the reserve price. It was then advertised on a Saturday and a prospective buyer saw the house and immediately paid a deposit of \$1,000 on the full advertised price. However, on Monday morning this buyer was rung and told that there had been a higher offer and he could no longer buy the house. He had been gazumped.

Minister, according to an article in the *Canberra Times* on 17 April, the property law committee of the ACT Law Society is looking at ways of reducing gazumping in the ACT. Gazumping is not illegal, but in the article the Attorney-General's office acknowledged that it is an ethical issue. Mr Adam Moore, General Manager of the Real Estate Institute of the ACT, also said in the article, "It is the vendor's decision whether to stick to the non-binding agreement."

Mr Berry: So the government is into gazumping.

MR WOOD: Indeed. Quite clearly, the practice of gazumping is widely regarded as undesirable and unethical, not only in the broader community, but amongst the legal and real estate communities. Minister, why then are you allowing your department to use practices that so many in the community condemn as unethical?

MR SMYTH: Mr Moore also has approached me on this issue. The government does not approve of unethical behaviour. The two parties approached the real estate agent and they were asked to submit an offer and to prove that they could actually afford to purchase the house. There was a form which they both filled in. The form which they completed stated:

Due to the fact that we have multiple interest in the subject property, we have asked that you submit your final and best offer. Our vendor has been advised that we are undertaking this process. All offers received will be put to the vendor for consideration at the same time. The vendor's decision will be final and no further negotiations will be entered into.

On that basis, both parties presented their financial profile and both parties made an offer. One offered \$247,000 and the other offered \$248,100. Both parties were advised of the result and, after hearing that his offer was unsuccessful, the losing bidder then upped his offer to \$250,000. Given that the process was run, that we had two offers from multiple buyers and we accepted and assessed those offers to see which was best for the client, if we had actually accepted the \$250,000 offer it would have been gazumping. We did not accept it. We stayed at the \$248,100. I believe, from what I have been told, that the process is fine and is the way that this is conducted.

MR WOOD: I have a supplementary question, Mr Speaker. I admit to some uncertainty as to exactly what the minister meant at the outset. He seemed to indicate that the person I mentioned who went in and put a deposit on it was given the chance to up his offer. I will have a look at your answer very carefully. I do not know whether we are dealing with two different stories here, but the minister's response does not quite fit with what I understood. But it is the case that the vendor—in this case, ACT Housing—is the one who makes the decision. It appears, nevertheless, that the vendor, ACT Housing, against ethics went into a subsequent auction almost.

MR SMYTH: The house was initially offered for auction and was passed in. It was then displayed. Two offers were made on the same weekend.

Mr Wood: Two offers on the same weekend?

MR SMYTH: I can only relay to you what I have been told. I understand that two offers and two deposits were made on the weekend. It was put to the vendor—the vendor being ACT Housing. We said, “Check out that they can afford to pay this.” I will read again the words of the form that they are given:

Due to the fact that we have had multiple interest in the subject property, we have asked that you submit your final and best offer.

That was done. We accepted one offer. The gentleman whose offer was not accepted then came back with a larger offer. If we had accepted that, that would have been gazumping. We did not do that. We went with the offer that we had received, that won what I guess you would call a tender process. My understanding is that that is legitimate.

Mr Wood: I will be asking more questions about this matter, especially about who the buyer finished up being.

MR SPEAKER: Order! You have asked your questions.

MR SMYTH: Mr Speaker, I will be delighted to take more questions later as well.

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Family Day Care

MR RUGENDYKE: Mr Speaker, my question is to the Attorney-General, Mr Humphries. Minister, in early January of this year I wrote to the government raising a problem being encountered by the Family Day Care organisation. The problem relates to the licensing conditions for Family Day Care as part of the new Children and Young People Act. It has been brought to my attention that it is compulsory for all persons aged 18 and over in a Family Day Care home to have a police check, at a cost of \$35 per person, at their own expense. By comparison, in New South Wales each household is charged a total of \$20, regardless of how many adults live at the home. Minister, could you please advise me what progress has been made in responding to my correspondence of early January and whether you are likely to make these fees more equitable for Family Day Care users?

MR HUMPHRIES: Mr Speaker, I have to take Mr Rugendyke's question on notice. I returned recently from leave. Before I went, I had signed all correspondence that had come to my office at that stage. That was just after Easter. Unless the letter came to me for signature after then, I would have seen it. I am surprised that a letter written by Mr Rugendyke in January had not been replied to by April; but, if that is the case, I will find out why and get an answer to Mr Rugendyke as soon as I can.

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

ANSWERS TO QUESTIONS ON NOTICE

MS TUCKER: Pursuant to standing order 118A, I ask the Treasurer to provide me with an explanation of why he did not provide me with an answer to question on notice No 247. The 30 days expired on 29 April.

MR HUMPHRIES: Mr Speaker, I do not know the answer to that question. I apologise for the delay if there has been one. I will find out, Mr Speaker, and I will give an answer to that question for Ms Tucker.

QUESTIONS WITHOUT NOTICE

Bruce Stadium—Seats

MR STEFANIAK: On 28 March Mr Wood asked me a question relating to the old seating at Bruce Stadium. I gave him part of an answer then and said I would get back to him. I took that on notice and I gave an indicative response the following day, on 29 March. At that time I also advised him that I would provide him with additional information. I have subsequently given that information to Mr Wood in writing. I now seek leave to have the answer I have already given to Mr Wood incorporated in *Hansard*.

Leave granted.

The question and answer read as follows:

Mr Wood - asked the Minister for Education:

In relation to the old Bruce Stadium seats, can the Minister tell what has happened to the surplus Bruce Stadium seats and where have they gone?

MR STEFANIAK - The answer to Mr Wood's question is:

Further to my indicative response in the Legislative Assembly on 29 March 2000, I now provide the following additional information.

A large number of seats were removed as part of the reconstruction of Bruce Stadium and it was suggested that some of these units could be reused as part of the refurbishment of Manuka Oval. However, many of the seats had been installed at Bruce on curved concrete terraces and at differing heights, which required specially designed mountings. Most of the cost of this type of seating is in the mountings rather than the plastic shell. Moreover, the majority of these seats had been exposed to the weather for about fifteen years.

About 2,400 were purchased for \$10 a unit and installed at Manuka Oval in 1998. Some were purchased by the Tuggeranong Valley Rugby Union and Amateur Sports Club and used in the reconstruction of Viking Park at Wanniasa, and some were purchased by Dubbo City Council. It is understood that there may have been some other minor sales but I have not yet been able to confirm details.

It appears that due to changes in Bruce Stadium management personnel, sales for other than installation at Manuka Oval appear to have been arranged in good faith and without being aware of previous undertakings.

The project manager for the Manuka Oval project has assessed the remaining Bruce seats and at this stage no final decision has been made on how many of the remaining seats will be used at Manuka.

For any remaining units which require major modification, the cost of this operation has been estimated to be only marginally less expensive than the installation of completely new units. Given the age of the Bruce seats, already about the manufacturers' guaranteed lifespan, it may prove prudent to install completely new seats for the remainder of the Manuka Oval project

SUPPLEMENTARY INFORMATION

Bruce Stadium Management has advised that 1800 seats were sold to the Tuggeranong Valley Rugby Union and Amateur Sports Club for the Viking Park project at Wanniasa and 800 were sold to Bankstown City Council, believed to have been used in the recently completed Steve and Mark Waugh Stand.

No other sales have been identified.

10 May 2000

**PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS
Papers and Ministerial Statement**

MS CARNELL (Chief Minister): Mr Speaker, I present, for the information of members, the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Mick Lilley, dated 17 April 2000.

Geoff Keogh, dated 14 April 2000.

Hamish McNulty, dated 5 April 2000.

Short term contracts:

Mick Lilley, dated 18 April 2000.

Schedule D variation:

Alan Towill, dated 18 April and 3 May 2000.

Mr Speaker, I ask for leave to make a short statement.

Leave granted.

MS CARNELL: Mr Speaker, I ask members of the Assembly to respect the confidentiality of some of the information in these contracts, and I thank members for their previous compliance.

**SUBORDINATE LEGISLATION (INCLUDING EXPLANATORY STATEMENT)
Paper**

The following paper was presented by **Mr Humphries**:

Public Sector Management Act—Management Standard No 6 of 2000 (No 17, dated 27 April 2000). (This amendment was incompletely tabled as Standard 5/1999 on 29 February 2000 and ceased to have effect on 2 March 2000 pursuant to subsection 6 (6) of the *Subordinate Laws Act 1989*).

**FINANCIAL MANAGEMENT ACT—INSTRUMENT OF TRANSFER
Paper and Ministerial Statement**

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 14—An instrument directing a transfer of funds between appropriations, including a statement of reasons, dated 27 and 28 March 2000.

I ask for leave to make a short statement in respect of that.

Leave granted.

MR HUMPHRIES: I thank members. I have tabled an instrument pursuant to section 14 of the act and a statement of reasons for the transfer of funds between appropriations by direction of the executive. Transfers under the Financial Management Act allow for changes to appropriations throughout the year within the appropriation limit passed by the Assembly.

This instrument relates to the 1999-2000 financial year and is tabled in the Assembly within three sitting days of the authorisation as required by the act. This instrument provides for a transfer of funds, for the amount of \$1.7 million, within the Department of Education and Community Services from the government payment for outputs funding type to a capital injection. This appropriation was originally provided in 1998-1999 to the Department of Education and Community Services for provision by way of a grant to the Canberra District Rugby League Club for the provision of rugby league facilities. It is now proposed that these facilities be provided at the CIT's Bruce campus oval. The original appropriation will lapse and be returned to budget.

Financing for these facilities will now be provided through the transfer of identified savings within the Department of Education and Community Services through a capital injection appropriation which will be on-passed to the Canberra Institute of Technology to finance the capital works project.

The attached instrument transfers \$1.7 million of savings against the appropriation relating to superannuation from DECS government payment for outputs to their capital injection to enable the funds to be on-passed to the CIT. I commend this paper to the Assembly.

FINANCIAL MANAGEMENT ACT—INSTRUMENT OF TRANSFER Paper and Ministerial Statement

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 16—An instrument directing a transfer of authority for a function between departments, including a statement of reasons, dated 24 April 2000.

I seek leave to make a short statement.

Leave granted.

MR HUMPHRIES: I thank members. Transfers under the Financial Management Act 1996 allow for changes to appropriations throughout the year within the appropriation limit passed by the Assembly. This instrument provides for the transfer of the appropriation of \$3,913,000 for youth justice services from the Department of Education and Community Services to the Department of Justice and Community Safety. This transfer is a result of the administrative arrangements order changes of 23 August 1999 relating to the transfer of Quamby and youth justice services to the Department of Justice and Community Safety. I commend the paper to the Assembly.

10 May 2000

**FINANCIAL MANAGEMENT ACT—APPROVAL OF GUARANTEE
Paper and Ministerial Statement**

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Deputy Speaker, for the information of members, I present the following paper:

Financial management Act, pursuant to subsection 47 (3) - Approval of a guarantee under an agreement between the Australian Capital Territory and the CPS Credit Union Co-operative (ACT) for a loan under the New Enterprise Loan Guarantee Scheme, dated 3 May 2000.

I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: Thank you members. For the information of members, I present that instrument. The underlying principle of the scheme is to provide small businesses with financing for capital investments in the expectation that they will succeed in establishing and developing their businesses and increasing their potential for future business growth. It is intended that the scheme will give eligible applicants access to loans to a maximum of \$10,000 over a period of up to four years from an approved financial institution. The CPS Credit Union has agreed to support the principles of the scheme by providing concession rates to eligible applicants and has been selected as the loan provider.

The attached FMA instrument has been approved by the chief executive, Department of Treasury and Infrastructure, as delegate, pursuant to the small business loans scheme. The loan guarantee is for Ms Julie Anne Bogotto, the owner of the Wooden Peg Doll Company, an ACT company that operates in the unique greeting card industry. I stress that these are guarantees, not loans, grants or any other forms of financial assistance, and that the maximum exposure under the scheme is kept at \$500,000. To date, loans to the value of \$70,470 have been approved under the scheme.

**IMPULSE AIRLINES—OPERATIONS IN CANBERRA
Discussion of Matter of Public Importance**

MR DEPUTY SPEAKER (Mr Wood): Mr Speaker has received a letter from Mr Hird proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The significance for the ACT and region of Impulse Airlines establishing its airlines operations in Canberra.

MR HIRD (3.37): Mr Deputy Speaker, I am delighted to rise to speak on this topic. Those opposite have rubbished our Chief Minister on numerous occasions. At this time they should be praising the Chief Minister, and I will tell you why, Mr Deputy Speaker.

Impulse Airlines have come to Canberra. That is an event of huge importance to Canberra and the wider region. Travellers will benefit from lower fares and from a greater choice of services. Business will benefit from more choice and from lower costs. There will be more jobs, Mr Deputy Speaker; at least 358 more in direct employment and about 800 more because of the flow-on effect. I will repeat that, Mr Deputy Speaker. There will be more jobs. Are you listening over there? There will be at least 358 more in direct employment and about 800 more because of the flow-on effect. This is great news not only for the territory but for the south-east region of New South Wales.

This sort of investment also attracts other new investment, which in turn creates even more jobs. That is why Access Economics estimate that our economy will grow by more than \$413 million over the next 10 years as a result of Impulse Airlines' investment here in Canberra. It speaks for itself.

This is an example of what happens when the business climate is favourable to private sector investment. The Carnell government has turned Canberra around from a mainly public sector town depending on the whims of the federal government, of whatever political persuasion, to a vibrant community driven by growth in the private sector. On radio this morning I heard the Member for Canberra, a Labor man and a former Labor minister, congratulating the Carnell government for their efforts over the past five years and for how they have turned the economy around. That came from a former minister, a man who is very astute, Mr Bob McMullan. I congratulate him for being upfront and for patting the Carnell government on the back, not like this lot over here. At least he is dinkum.

The Carnell government has eliminated Labor's legacy of huge budget deficits, borrowings and depleted reserves. It has shown that government operations can be businesslike. We have reduced Labor's crippling budget operating losses to a point where I think I heard Mr Humphries, the Treasurer, say that he now expects in the forthcoming budget later this month to have a small surplus. That is the difference between them, Mr Deputy Speaker, and us.

The message to the business sector is that Labor is antagonistic to business. It wants higher taxes and more aggressive regulations. Look at what Labor has done with the change of use charge. What a prime example of a repressive attitude. Labor wants higher taxes. Their message to business is: "We don't want you to invest here in Canberra. Go somewhere else because we don't want you here. We don't want to create jobs. We will just go and borrow."

Mr Deputy Speaker, under Labor, Impulse Airlines would not have come to Canberra. I think that is a fair statement. They would not have come to Canberra. It is due to the enthusiasm of the Chief Minister. That is why this matter is one of great public importance.

I will go on, Mr Deputy Speaker. Under Labor, Impulse Airlines would have read the signal that Labor has no interest in encouraging business. Its most influential member, Mr Berry, believes that all investment should be done by the private sector. Mr Berry hates profit and distrusts business, and business knows that. Yes, business knows that, so why would they come here if there was any prospect of Mr Berry getting his way?

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By contrast, Mr Deputy Speaker, this government knows the value of the future of Canberra, and the region depends on the quality and the amount of private sector investment. That starts with confidence, and that is what Mr McMullan was talking about this morning on radio—confidence that the government understands business, and confidence that there is a reasonable expectation of business growth and making a profit. Did you hear that, Mr Berry? I hope you did. If a business is profitable, it will grow and employ more people. We will all benefit from that.

To me, 356 direct jobs and 800 flow-on jobs as a result of Impulse Airlines coming here is a matter of great significance. So is the boost to our economy of the \$413 million over that period. So is the setting up of new businesses in Canberra, such as aircraft servicing facilities, aero ministry training and service industries based at the airport. We can see that the airport is getting on with the job, thanks to this government. This government is giving support to the new operators of the Canberra Airport. Savings for families—for example, Mr Deputy Speaker, \$50 on a flight to Sydney—are also important to our community. This is great news not only just for Canberra, Mr Deputy Speaker, but for the whole region. Well done, Chief Minister.

MR QUINLAN (3.44): I thank Mr Hird for his state of the territory statement.

Mr Hird: Thank you. You have to say it is a good thing. You have to say that.

MR QUINLAN: I have to say, Mr Hird, that that was just an appalling collection of sweeping generalisations. I am mystified as to why you introduced the topic to this place at this time.

Mr Hird: Four-hundred and thirty-five jobs.

MR QUINLAN: I remain mystified. During question time the Chief Minister quoted from a statement that I made in June last year in relation to the development of Canberra as a knowledge-based economy and a centre of excellence. You might read on because within the speech that I delivered to the annual conference of the ALP last year I discussed the reinforcement of the Majura transport hub. I discussed the attraction of regional airlines to the ACT. I discussed the development of the ACT as a genuine viable alternative to Sydney as a place where rural people can come to avail themselves of services that are not readily available in their particular localities.

I am fairly certain that if a regional airline wishing to set up in Canberra had approached an ALP government we would have looked at the deal in a very positive light. We do not know the full complexities of the deal that has been done with Impulse Airlines. Unless we have a lot more nitty-gritty data we do not know who the real beneficiary is—whether it is Impulse Airlines or whether it is the airport who gets the money, who owns the facility, and how much rent is paid between the airline and the airport for the use of the facility. All of that would have to be calculated right through. So you will have to allow us a small number of reservations in relation to the deal when it was brought to this place. This deal did receive the full support of the ALP, but, while supporting it, we are not so stupid as to say, “Good idea; let’s do it without thinking it through.” This caucus is a thinking caucus, and it will be the nucleus of a thinking government, hopefully by the end of next year.

Looking at the deal that came forward from Impulse Airlines, let me give you a couple of numbers that I recall off the top of my head. Impulse Airlines, before this project was undertaken, could, I think, put a maximum of about 250 people in the air at any given time. All planes up; 250 people. By the time they finish this particular business plan that is the basis for the deal that is being put forward they will be able to put something like five times that many passengers in the air at one given time. This is tremendous progress on their part, but, of course, it also represents a highly speculative deal.

Already we have seen the competition reacting to Impulse Airlines. Already we have seen Impulse Airlines, I think, heading towards the ACCC on at least two matters. The ACT is a modest part of the deal. The ACT has a stake in the outcome of this. I have my fingers crossed firmly that this deal works because, being such a speculative deal, if it does not work it will put back the basic proposal of at least getting a regional airline set in Canberra and developing that Majura hub. So it is a punt. This particular proposal is a red-hot punt. But it was the only proposal on the block at the time. We realised that, but, although we do not like spending taxpayers' money on anything other than services delivered to taxpayers, we were prepared to stretch the point in this particular case.

While I am patting my own back and saying, "Read my speech of June last year," you can go further back in terms of the development of this particular sector in the ACT to ALP policy prior to the 1998 election. We have supported this. It is a deal that Impulse has wanted to do. I do not know that there needs to be an orgy of congratulations for doing what we are supposed to do. I know how we operate, but let us for once say that this is a serious deal we are in. We have taken a serious risk, and it is not just a serious risk with our \$10 million. We have taken a serious risk with the potential development of that hub because, in the long term, we may be setting it back somewhat. Anyway, we have taken that risk, as you do.

As I have said, the ALP has had reservations. We have had some numbers put forward. We were told that Impulse Airlines had a call centre in Newcastle, with 155 people in their current business. I then think I heard, as an aside, "Well, we are just about to open it." They had about a quarter of a million movements in a year. That meant that for every staff they employed they were writing about four tickets a shift. The figures seemed to me to be quite improbable. The figures did not reconcile. I did make this point and asked the question in the original debate, and I did not receive an answer.

If, in fact, Impulse Airlines replicates this call centre in Canberra and we have another 155 jobs—the jobs to which you were referring, Mr Hird—on top of the 155 Newcastle jobs, and because we have five times more seats we get a five-fold increase in passenger traffic, they will, I think, be writing something like eight tickets a shift. I still think that does not really reconcile. These are numbers that I think we were entitled to ask about and we were entitled to be informed upon.

Subsequent to the Assembly passing this deal, we asked questions in relation to the contract that was signed and we got the old standard reply of commercial-in-confidence: "We cannot tell you because it is commercial-in-confidence and we might be giving away some secrets. We might be giving away some plans in terms of particular routes that might be taken, and that would advantage our competition, or disadvantage us in relation to the competition. Therefore you cannot be told." Well, that to me just seems to

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be taking the literal approach. I would have thought an open government would have said, "I cannot tell you what routes they intend to develop because that's commercial-in-confidence, quite obviously, but I can tell you what milestones we have set in relation to the creation of real jobs. I can say what is in the contract in terms of when these things will happen. I can inform you that we will get a flight simulator through Raytheon and the deal with Impulse and it will not cost us another \$1½ million."

Ms Carnell: We don't know if that is the case, yet. It is not negotiated. It is not part of the contract.

MR QUINLAN: The point I am trying to make, Chief Minister, is that if there was goodwill in relation to this deal, a number of those milestones, certainly edited for genuine commercial-in-confidence, would have been placed on the table in this place previously. It was not done. I do not think you can come to this place and ask for an orgy of congratulations while you have still got that attitude. Right? I think that is a reasonable and logical position for us to take.

I want to refer to a couple of the generalisations. Your whole speech was just sweeping generalisations, Harold, but I want to refer to one or two of them. I just make the point that, yes, there are in the ACT more public sector jobs than there used to be. However, we will really become a private sector economy when the base source of the economic activity is not the public purse. What we have done is increase the size of the caravan of camp followers around government as the federal government has tried to reduce the public sector, but they are still interdependent.

There has been some growth in the ACT in relation to private sector activity that has been a spin-off of outsourcing. Companies that are providing services to our government have discovered that they can sell those services to other places, and therefore they have become ACT exports. At the same time, we have given away a lot of that business to national and multi-national companies and squeezed out our locals. In fact, some of the private sector firms that have come to town have taken work that otherwise would have been the province of some of the local firms. We have increased the competition there and some of the bigger firms with deep pockets can afford to offer loss leading projects at loss leading prices in order to sweep some of the local firms from the field. So I think we ought to be a bit more judicious in the way we describe the changes to this economy. Yes, there have been some benefits from outsourcing and there have been a lot of disbenefits. If you are going to claim one I think you should at least recognise the other.

I will close by repeating that the ALP hopes and trusts that the Impulse deal is nothing other than a blinding success. However, we still harbor some doubts because we recognise that it is a highly speculative project. Our \$8 million has gone because if Impulse succeed they keep it. If they fail, if they have any business sense at all they will have ringfenced that loss and we will not get it back anyway. The particular company that was set up to run the Canberra operation will be defunct and will have no money. So we have spent that \$8 million and we trust that we get a dividend on that in spades.

We certainly hope that we get the very fast train that arrives in the same place. We hope that this government or a Labor government down the road, excuse the pun, can find the way to develop the Majura Road to complete the set so that we do, in fact, become a genuine regional hub. We hope we become a genuine alternative to Sydney as a place

where rural people of New South Wales can come and access the basic services that are not available in their own towns and, as a function of that, get used to the idea that they can also enjoy the delights of Canberra in terms of entertainment and the recreation facilities that we offer.

Still, as I said at the outset, I remain mystified as to why this particular topic was brought up as an MPI on this day when things are apparently progressing, and why it was delivered by Mr Hird in such an aggressive and challenging fashion. At the same time, we will be hearing from that side of the house that we are aggressive, confrontationalist or combative in this place when a speech like that opens a debate.

MS CARNELL (Chief Minister) (3.59): I am happy to speak, Mr Deputy Speaker. The reason why Mr Hird raised this matter of public importance today is because it is a matter of public importance, quite simply. Regularly, matters of public importance are put on the notice paper in order to have a political go or whatever, but the reason for them is to discuss issues that really matter to the community in Canberra. That is certainly the case with regard to Impulse Airlines.

I think members would have seen the launch of Impulse Airlines here on Sunday, at least in the media. I am sure that everybody who saw any of it would have been extremely impressed, as I was. I think we also saw the next stage of the benefits to Canberra and to Australia of the Impulse expansion, and that was the quite significantly cheaper air fares that were announced that day. I suppose if you are looking for real public benefit, the fact is that Ansett and Qantas, the very next day, matched those fares out of Canberra. A reduction of some \$50 to \$119 one way between Canberra and Sydney was the announcement that Impulse made, and the very next day Qantas and Ansett felt a need to match that fare. That must be, from a community and consumer perspective, a huge benefit of the arrangement that has already happened.

Mr Deputy Speaker, there are other issues that are important with regard to the Impulse Airlines deal. One of the reasons why I thought it would be useful to talk about this deal today is that it provides an opportunity for this Assembly to work as a whole, to get behind this arrangement and to support it as well as we can. I hope that members, when they are flying, particularly privately, take advantage of Impulse Airlines. Impulse have taken a significant risk in coming to Canberra. Mr Quinlan commented that this was a risky deal for the ACT. I would have to say it is certainly a very large challenge for Impulse Airlines as well. It was a challenge that they believed was worth taking up and, from an ACT government perspective, it was a risk that we believed was worth taking.

Mr Quinlan indicated that he was thought this was a highly speculative deal. I would not go nearly that far. It is certainly a very difficult and very highly competitive industry, but Impulse Airlines have shown over the years a real capacity to operate in this industry, particularly in the regional areas. They are about to take a large step into the major trunk routes between Brisbane and Sydney and Melbourne, and next year will be providing jets into Canberra. I think it is great to see a local Australian business really taking on the very big operators, and I am really pleased that the ACT government has been able to get behind them.

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If, as Mr Quinlan seemed to intimate, somehow governments really have to be extraordinarily worried about getting involved in deals that include risk, I would have to say that there would not be very many deals that we would ever do. Mr Quinlan earlier said how much he supported biotechnology and how his speech last year supported biotechnology. I would agree, but, boy, if we want a highly speculative area it is biotechnology. If we want high levels of risk, it is companies such as start-up biotech companies spinning off from research, because we simply do not know whether they will ever get those products through toxicology, through human trials and onto a shelf. The best we can do is get behind them and give them an opportunity to do so. That is what we are doing with biotechnology. This deal does have a level of risk, but we believe it is a risk that was well worth taking.

For as long as I have been here, since 1992, members in this Assembly, on both sides of the house, have spoken often about multi-modal transport hubs at the airport, about regional hubs, about road transport hubs, all sorts of things, and I think we all agree, totally, that that is the way to go for Canberra. A very important part of that whole process was attracting a regional airline to Canberra. Members know, because the government announced it quite a long time ago, that we had put in a bid, shall we say, for Hazelton Airlines to come to Canberra. Unfortunately, at this stage, the board of Hazelton still has not decided whether they will relocate out of the Orange area, and, if they do relocate, whether they will come to Canberra or not.

Taking into account that there are not very many large regional airlines in Australia that are not owned, or predominantly owned, by Ansett or Qantas, Impulse really stood out as the one to get. In fact, Impulse is the only large regional airline that is not predominantly owned by Qantas or Ansett.

I think it really is a great deal for Canberra. What it shows more than anything else is how the image of Canberra is changing in the minds of corporate Australia. Impulse came to Canberra as a result of a number of Canberra business people lobbying them hard over quite a long period. They looked at Canberra as an ideal place to set up their regional operation and their expanded jet-based operation. I think this demonstrates the viability of Canberra as a regional hub.

As Mr Quinlan said, Canberra can provide a whole range of services to a large part of New South Wales. Other fares were announced on Sunday that didn't get quite the media coverage of the Canberra-Sydney fare, fares like \$180 from Tamworth. I cannot remember exactly but there is a very low fare out of Port Macquarie into Canberra. There were fares from right around New South Wales. We will certainly be marketing into those towns that now will have an inexpensive and viable direct transport route into the national capital. We will be marketing our festivals. We will be marketing goods and services. We have a brand new capacity to improve business and to bring extra tourists into the ACT. I think that's pretty exciting.

As well as that, of course, the basis of this deal is that not only do we end up with the operational headquarters, at a cost of \$3.5 million, but we also end up with the heavy maintenance and engineering centre. That is \$6.5 million. Of course, with those sorts of entities come not just any jobs, but high-profile, high-quality, highly-paid jobs. I think that's pretty important. There is the reservation and call centre at \$2.5 million, training that runs off that, and accommodation. Mr Deputy Speaker, there is a whole range of real

benefits to Canberra. We will end up being the home of the regional airlines ground staff. The regional airlines air crews will be living here in the national capital rather than zooming off to other cities in Australia. That has to be good for us generally. I'm pleased that the opposition has given at least tentative support to this whole approach.

Mr Berry: No, we noted it.

MS CARNELL: No, sorry. Mr Quinlan just said in his speech, "support". Mr Quinlan just indicated that the opposition gave tentative support to this proposal. He wished it well, Mr Berry.

Mr Berry: Yes, so do I.

Mr Stanhope: We all want it to succeed.

MS CARNELL: That's very true. Mr Deputy Speaker, this is an exciting proposal for Canberra, but it is one that we all have to get behind. Just to finish, Mr Quinlan made some comments about Raytheon being part of that arrangement. We are having discussions with Raytheon with regard to them becoming an investor in a simulator out at the airport. That negotiation is still under way, but it is not part of the contract between Impulse Airlines and the ACT government. I certainly hope that it gets up and running, and if we reach agreement that will be announced. I think this is an exciting approach. It is one that will produce jobs, one that will produce economic activity and one that will produce tourism; but it is one that will only work if every single one of us gets behind it and does not knock it for political gain.

MR STANHOPE (Leader of the Opposition) (4.09): I share the bemusement of my colleague Mr Quinlan in relation to what was the motivation of the government in proposing this matter of public importance today.

Mr Berry: I think there's a motion on there that they do not want to see come up for debate.

MR STANHOPE: To some extent I make that comment in light of the remarks by Ms Tucker in the adjournment debate yesterday. Ms Tucker felt the need to make those comments and to explain that the Chief Minister's press release on the day after the debate that we had in March really did misrepresent the position of not only Ms Tucker but also of me and the Labor Party. I have just flicked through the *Hansard* of my speech in relation to that matter and I was patently clear about the position that the Labor Party was putting. As Mr Berry has just indicated, the nature of the motion on that day was that we note the government's proposals in relation—

Mr Smyth: And Mr Quinlan just said "supports".

MR STANHOPE: No, no. The motion was that we note the proposals. I am happy to say again what I said in that debate. I am happy to endorse exactly what Mr Quinlan said. The deal has now been done. Anybody in Canberra who would not support it and would not wish it to succeed would have rocks in their head because the proposal involves the

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expenditure of \$10 million of hard-earned ratepayers' money. Of course we do not want to wash our \$10 million down the drain. You have done the deal. You have signed on the dotted line. You have committed us.

Ms Carnell: Yep.

MR STANHOPE: The money has been spent, so of course we want it to succeed. Of course we do. That does not mean that there are not some legitimate questions that might be asked about the process and there might not be some legitimate questions asked about the spin that the government is putting on the process and the verballing that is being done, particularly in the press release, Chief Minister, that you released the day after the last debate.

I will refer to a couple of statements that I made in the debate which indicate the extent to which you took my contribution to the debate and the Labor Party's position for granted. I will quote what I said last time when talking about the amount of government support, if any, that should be given. After saying what a great potential boon to the ACT economy the Impulse deal would be, I acknowledged the tremendous potential for jobs growth. I acknowledged the tremendous potential for the economic strengthening of the local economy. I acknowledged all those things. I acknowledged that over the years the Labor Party has supported the development of a transport hub. I acknowledged my great support for Terry Snow and the airport group, their vision for Canberra and the sterling work they do in selling that vision. I acknowledged all those things and I stand by them.

In the context of that debate we did not have available to us, as members of this Assembly, all of the information that we required to make an informed decision about whether or not the \$10 million—

Ms Carnell: Which is the reason I did not ask you to.

MR STANHOPE: Well, I respect that, Chief Minister. At the end of the day you say, "Well, we didn't ask you to make the decision; we were simply asking you to note," and that is what we did. We noted that you were involved in a process, but that is not what your press release of the next day said. The next day you said how pleased you were to receive the unanimous support of the Assembly.

Ms Carnell: Because you supported it. You got up there and you said, "I think this is a great deal."

MR STANHOPE: No, I noted it. We noted it. I will tell you now what I said, Chief Minister. I will read to you what I said:

The amount of government support, if any, that should be given is, however, less clear cut. ... relying on the Access Economics report, the expenditure of \$10m may be perfectly justified. But, and I think it is important that we make it clear, we are not debating that point here today and I will not express a concluded view on the quantum of any financial assistance that may or should be made.

I went on to say:

There is another more basic element of the discussion and, given what I have just said and that the Assembly is being asked to note the Government's plans, I am being deliberate when I say "discussion".

We were having a discussion. I talked about other things and then said, "This can be a great proposal for the territory." That is what I said; that it can be a great proposal for the territory, and let us hope that it is. I repeated that. I said:

... this proposal could be a great one for the Territory, but its ultimate success will depend on the commitments offered being reflected in the final contract, on the Chief Minister abandoning the need to score political points and on an opportunity being provided to all members of the Assembly to genuinely consider issues around the payment by the Government of significant amounts of taxpayer funds to this company for the purpose of cementing the deal.

I then said:

That is a debate we still need to have. It is not a debate that we are having here today. We do not have all the information available to us. There are questions that still need to be asked and there is information that still needs to be provided—information that has been promised, namely, the Derek Volker report.

I went on and on. Of course, it now comes to pass that there was other information that was available on the day of the debate that we also did not have available to us on 30 March, namely the Access Economics due diligence report. We did not have available the ACTBIS board's recommendations. We have never been provided with a copy of the final agreement.

We, from our position on this side of the house, not having had the advantage of that information, are in the position that the entire community is in. We are forced to rely on the judgments and the decisions that the government has made. The government has made those decisions. It has made its judgments on the basis of the information it had available to it. It has made its judgments on the basis of the advice it received from its public servants and from the ACTBIS board and from Access Economics. As a result of all of those processes, the government has made a decision to expend \$10 million on this project.

The deal is done. Let us hope it succeeds. I hope it succeeds. I wish Gerry McGowan and Impulse all the success in the world, as I do Terry Snow and the Capital Airport Group. Let us hope that we do get a humming, buzzing transport hub operating at Canberra, but do not suggest that this is a deal that was done in a unanimous way in this Assembly. With the information provided to us, we expressed that general support, that in-principle support, but we never saw the detail. We never got the in-detail information. We did not have available the Access Economics due diligence report. We did not have available the ACTBIS report. We did not have available the advice of the public servants that you had advising you.

Ms Carnell: Which is the reason we did it the way we did.

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MR STANHOPE: Absolutely.

Ms Carnell: We are the government. It was our responsibility.

MR STANHOPE: The Chief Minister says it is the reason that they did it the way they did. As I said, and I guess I do not need to labour the point, I wish Impulse every success. I hope for the sake of our \$10 million and for the future economy of the ACT that it is a roaring success.

MR SMYTH (Minister for Urban Services) (4.17): Mr Deputy Speaker, I am pleased to rise to speak on Mr Hird's matter of public importance because it is important that we understand the impacts. I have never heard from Mr Stanhope such a qualified and so unsupportive speech of this proposal. He said anybody who would not support this would have rocks in his head, yet why is he always so qualified? Why is it always couched in the negative? Why is there no positivity from the Opposition? It is because they do not like what we are getting on with. He should take a leaf out of Mr Quinlan's book. Mr Quinlan at least had the courage to stand up and say he supports this. It is a really easy thing to say, "We support this." "I support this."

Mr Stanhope: I just said that.

MR SMYTH: Mr Quinlan, thank you. That is twice today, Ted, that you have praised the government, so thank you for that.

Mr Quinlan: I haven't praised the government at all.

MR SMYTH: Mr Deputy Speaker, there are enormous advantages for Canberra in the Impulse development.

Mr Stanhope: We all hope that Impulse succeeds.

MR SMYTH: Mr Deputy Speaker, again we hear from one side of Mr Stanhope. He says, "We all hope that they succeed, but we are all worried." The Hanrahan of the Assembly.

Mr Stanhope: I am not a bit worried. You are the ones that should be worried that it doesn't succeed.

MR DEPUTY SPEAKER: Order!

MR SMYTH: "We'll all be rooned," said Hanrahan, "if this here rain don't stop." No matter what happens, the Hanrahan of the Assembly will have us all ruined. There is no support here. It is a shame that Mr Quinlan is not leading the Labor Party because at least he is decisive in what he says.

Mr Deputy Speaker, the advantages for Canberra from the Impulse development are many and varied, and they are not just for Canberra. There is impact nationally, and we are already seeing that through the drop in the air prices.

Mr Quinlan: You turkeys can turn agreement into a blue and accuse us of being adversarial. You have got to be kidding. You are turkeys.

MR DEPUTY SPEAKER: Order! Carry on, Mr Smyth.

MR SMYTH: Thank you, Mr Deputy Speaker. The advantages clearly see Canberra as the headquarters for Impulse's national jet operations. This is a Canberra-based regional operation, and that is great for the region. Look at the work that this government has done in developing its relationship with the region to make sure that they understand that we know that they are there, that they know that we are here, and that we work together to look after not just the 310,000 Canberra residents but also the 600,000 people in the region. That is very important.

Mr Corbell: Doing them over when it comes to rural residential development and other progressive moves like that.

MR SMYTH: It demonstrates the viability of new regional services that can be based on Canberra. So what we have is development of the—

Mr Corbell: How do they feel about you developing rural residential development in the ACT? How do they feel about that?

MR DEPUTY SPEAKER: Order! Mr Corbell, you may yet get a chance to speak.

MR SMYTH: Mr Deputy Speaker, it is confirmation that not only this government but business, big business around the country, sees the Canberra region as a very important place in which to do business. I think this will stimulate further regional air routes, and that will only enhance the work that is done by the airport, enhance the opportunities that a very high speed train presents, and enhance the road links into Canberra that are continuing to be developed.

We will see an early flow of benefits from services and air fares to Canberra and the regional community. The fact that Qantas is matching that cheap air fare—they are dropping it by \$50—is \$50 in the pockets of Canberrans every time they now choose to take an air flight to Sydney.

There are other benefits in that it develops our potential. It works on the skills base that the Minister for Education is responsible for, and we are known as a highly skilled community. We now get some opportunities to develop a heavy aircraft servicing capability in Canberra. I think it provides great potential for the continuing development of an aero industry based here in the ACT, and from that new aero industry development comes training opportunities. That training capability in Canberra really does give us links with smart companies like Raytheon and other IT companies. It becomes in its own right an aero industry plus aero industry IT, and training is linked to provide more opportunities. That equates to jobs and it equates to growth. It really does create further stability in the ACT economy.

We need to look at what this does for the economy of the ACT. The Access Economics report found that even on quite conservative estimates the Impulse project would have a strong positive impact on ACT employment as well as on the gross state product and

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budget revenues. Access Economics estimated an increase in employment of 358 direct jobs, but saw 800 flow-on jobs that would come from this. What that does is increase the net present value of wages of some \$310 million over the next 10 years. That is good for all of us. Those impacts will flow through to the community, and those extra 800 jobs are of immense importance in other sectors.

Mr Deputy Speaker, Access Economics also estimated an increase in the net present value of the ACT's gross territory product of some \$413 million over the next 10 years, and that again is good for all of us. Clear value to the government then comes back in Access Economics' estimate that the ACT's payroll tax revenues will increase by a net present value of \$13 million over the next 10 years. Again that is good. That is a good return on the money that we are investing there.

In the short term, immediately, over a series of projects that will be built, we see investment in construction and investment in property in the ACT. It is good in terms of building up that investment portfolio. It is great in terms of jobs in the construction industry. We see some five projects. The operational headquarters is worth about \$3.5 million, the heavy maintenance and engineering centre is worth about \$6.5 million, and the reservations and call centre is estimated at \$2.5 million. The training facility really is a tremendous opportunity for us here and will become, I think, a real drawcard, a real asset to the territory. It is worth about \$5 million. Accommodation will bring about \$5 million worth of construction as well. In total it is \$22.5 million for the construction industry, and that is always welcome.

The employment growth over the next five years is important in terms of the direct jobs and the direct opportunities that this offers Canberra residents. In the operational headquarters itself there will be 38 jobs. We will see another 65 jobs in the heavy maintenance and engineering centre. It is not just the jobs that they will bring. There will be the skills that are required and the flow-ons that you get back into your industry base. There are other spin-offs. People may say, "Well, if we can do that for them we can do this for another group at the same time," and other firms will spring up around this.

The reservation and call centre involves 155 jobs. Those are opportunities for Canberrans to have employment and to receive their rewards. In terms of ground staff, the regional airlines ground staff will be about 50 and air crew will be about 50. So again, 358 jobs will be based here in the ACT, with large spin-offs. As I said earlier, the expected spin-off is 800 flow-on jobs, and those flow-on jobs have the multiplier effect. That puts it back into the community, our community. It puts it back into the region, our region, and we all get a benefit from this.

Mr Deputy Speaker, it is great to see a little bit of extra competition. No longer will it be simply the Ansett versus Qantas two-way street. Qantas has reacted very quickly to Impulse's fares and they will match them, reducing the Canberra to Sydney over the counter cost to \$119 for a one-way trip, and that is about \$50 a trip less. I am told that currently there are 800,000 Sydney to Canberra trips per year. With a saving of \$50, if my mathematics are right, that is about \$40 million in Canberrans' pockets to put back into the economy. That is money they will spend, and again that will have flow-on effects.

It also provides advantages to tourists and residents of the ACT and region in that they have additional flights from which they can choose. Instead of driving to Sydney, people can now come to Canberra and then link further afield to Brisbane and other places. That is tremendous because again it will bring additional business. There will be additional night hotel stays because people will come to Canberra a day earlier. They may stay here overnight before they travel back to wherever they reside, and again that is additional expenditure here in the ACT. It comes down to additional jobs and the spin-offs become an amazing web that builds up the ACT in terms of employment, in terms of stability and in terms of opportunity.

Mr Deputy Speaker, it will also make Canberra a more competitive business and tourism destination. Through that choice, we will now have competition. There will be different packages offered, and again that will flow back into jobs and business opportunities. It is something I am sure that all in this place really do support. We certainly do. Best of all, it will make Canberra more accessible. It will make Canberra more accessible to regional residents and that then has a flow-on effect in that people travelling here will make use of the other services that we provide here, whether it be specialist medical services or disability services, or whether they come here to access education or simply to shop. There are lots of benefits in this. There are lots of spin-offs in this.

Mr Hird is to be congratulated for raising this matter of public importance today. It is important that we support this proposal. It is important that the public understand the benefits that will come from this to all of us. It is important that the Assembly gets right behind this unreservedly and supports the endeavours of groups like Impulse.

MS TUCKER (4.27): I will speak briefly. I do not imagine that there is much time left.

MR DEPUTY SPEAKER: You have 10 minutes.

MS TUCKER: Okay. Thank you. I want to refer to the discussion about noting the paper. It amused me when the report was tabled for tree protection. I noticed that Mr Smyth said he noted the report. So, if we are to understand the Chief Minister's press release to be about how we interpret noting a paper, we have just got Mr Smyth's full support for that tree report. Mr Corbell, you will be pleased to hear that.

Mr Corbell: I am overwhelmed.

MS TUCKER: I am not too happy with that report. Are you going to be happy with that? I am really not quite sure why Mr Hird put up this MPI because it obviously covers the same issues that were raised in the debate in the Assembly in the last sitting week. I would also stress that during that debate I do not think anyone particularly doubted the economic impact on the ACT of Impulse's move. I acknowledge that the establishment of a new airline facility at the airport obviously will generate more economic activity in the ACT. The concerns I raised were the narrowness of the assessment and the appropriateness of the government subsidising Impulse's move.

I pointed out that the government's assessment of the impacts of this proposal was totally focused on the local economic impacts—that is, how much extra money will flow through the ACT. There was no attempt to look at the environmental or social impacts of

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the proposals, such as the noise impact from increased flights into and out of the airport, or the broader economic impact, such as whether the ACT is achieving an economic gain at some other region's expense.

Concerns have also been raised about whether this development will make the very fast train to Sydney less viable. I was also concerned that the government's economic analysis did not look in any detail at the actual expansion prospects of Impulse in the interstate airline market. The Access Economics report commissioned by the government stresses that they took the statements in the Impulse business plan regarding the establishment of Boeing 717 operations at face value. Given the previous failed attempts to break the Qantas and Ansett stranglehold on the market, and the coming entry of Virgin Airlines into the Australian market, Impulse's predictions of its expansion may not be as rosy as they think. I do recall that in one of the reports risk was acknowledged.

I also pointed out in that debate that while I respect the right of Impulse Airlines to make its own commercial decisions, I questioned the need for the ACT government to intervene so heavily in what really should be a commercial arrangement between the Capital Airport Group and Impulse. The Capital Airport Group, as the monopoly holder of airport runway facilities in Canberra, will receive the primary benefit of Impulse Airline's move. So this government assistance is not just to Impulse but also indirectly to the Capital Airport Group. If that is what the government wanted to do and if they think the airport people think they paid too much and they need to help them or whatever, well, let us be open about that. That would be much more satisfying.

If Impulse Airlines is such a vibrant, expanding business, why don't we provide loan funding which can be paid back later after their move is successful rather than just give them the cash to keep? I also question the nature of financial assistance to industry more generally, which was backed up by an Industry Commission inquiry into state, territory and local government assistance to industry completed in 1996. The inquiry found that selective industry assistance involving state and local government rivalry for economic development adds little, if anything, to aggregate investment and employment, involves a costly transfer of funds from taxpayers and ratepayers to selected businesses, and can result in a misallocation of resources which is actually harmful to economic growth.

I also raised concerns about inconsistencies between statements in the statement of intent and the ACIL report where it was claimed that particular infrastructure projects were going to be managed by the airport and then, in the statement of intent, responsibility was going to be taken by Impulse. These inconsistencies were also of concern. I know the government was claiming that they were being incredibly open about it, but they did not actually answer those questions which I raised.

So, basically, yes, in terms of Mr Hird's matter of public importance, there is certainly a significance in Impulse Airlines establishing its operations in Canberra, and the Greens, of course, also wish it well because we have just invested a large amount of taxpayers' money. We would have wished Impulse well anyway. It is particularly important now that we have invested such a significant amount of money into the private sector once again.

MR STEFANIAK (Minister for Education) (4.32): Mr Deputy Speaker, I still detected a degree of negativity, like “investing a significant amount of money into the private sector yet once again”. Actually, when members look at the various businesses that this government has supported, invariably that has not involved a great deal of money. This one, which does involve a reasonable amount of money, is one that actually stands out as being where money was invested, but for an excellent reason, Mr Deputy Speaker.

I think we already are starting to see the benefit of Impulse Airlines being based in Canberra. I understand that Ansett Airlines is now dropping its fares. No doubt Qantas will do the same. We will see a significant decrease in fares and an increase, perhaps, in passengers utilising the airport. It certainly is a win, win, win situation for the consumer.

Another big win is the fact that we get our own aircraft maintenance industry going in Canberra and some 400 jobs all up. I think that is correct; that 400 jobs will be created as a result of this airline basing itself in Canberra. The fact that we actually have an airline, a major industrial concern, basing itself in Canberra is terribly significant, and people should not lose sight of it.

Canberra Airport is changing. It is now owned by a private corporation. The RAAF base at Fairbairn will be changing its operations and winding them down. There are some excellent opportunities for the private sector to get involved; to keep up the momentum of what has been there for many decades in terms of the airport being run as a federal instrumentality and as a defence facility, and to take up the slack that might well occur when a lot of the RAAF operations are moved elsewhere. I understand that they will be moving part of their operations over to the domestic terminal.

What Impulse is doing effectively is not only taking up any slack that might occur as a result of the downgrading of the RAAF operation at Fairbairn, but also injecting much needed additional jobs and additional funds into our economy through those people who will now be living in Canberra. There will be an additional skills base for Canberra, additional opportunities for young Canberrans, and perhaps not so young Canberrans, to get into a different kind of industry in Canberra which they had no opportunity of getting into before. There has to be a certain status to a city which has an aircraft industry and an airline base, which is something we have not had before. It is just one further step that advances this city in terms of it being a major city in Australia. Quite clearly, Mr Deputy Speaker, it is a win, win situation for all concerned.

Look at how much the territory has paid out for this. As previous speakers have mentioned, or as was mentioned in the debate in March, there are certain conditions. Even at this very early stage—and let us face it, we are only weeks into it—very clearly it is money well spent, Mr Deputy Speaker. I think it was very appropriate for Mr Hird to bring this up for debate as a matter of public importance. Quite clearly, the significance for the ACT and the region of Impulse Airlines establishing operations here in Canberra is very considerable indeed. In fact, it may well have bigger and more positive ramifications than we might be considering possible at this time.

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It is a very important step forward for Canberra and the region, and a very important step forward for our economy which is becoming increasingly more diverse as time goes on. We will have a much greater ability to weather the storms and the cycles that occur in terms of national swings and roundabouts and such like as a result of having a much more diverse economic base.

This really is one of the most significant events in Canberra's economy in recent times. I certainly join with other members in wishing them well, and I just wish that people would not be quite so negative about really good news things like this.

MR DEPUTY SPEAKER: The discussion is concluded.

BRUCE STADIUM—THE ULTIMATE ROCK SYMPHONY

Debate resumed.

MR KAINE (4.37): In general, I support the thrust of the motion put forward by Mr Stanhope, with one exception. The Chief Minister has put forward a strong argument for not requiring the statement of claim and supporting documentation for the insurance claim for the concert to be tabled in this place, because it could influence the outcome of that claim. But in connection with the other three elements of Mr Stanhope's motion, I support the thrust of what he is attempting to do here. If Mr Stanhope is prepared either to remove paragraph (iv) of his motion or to deal with the four parts of his motion seriatim so that I can vote for three paragraphs and not for the other, then I am happy to proceed.

In connection with paragraphs (i), (ii) and (iii), I cannot see that the government has any substantial argument for not providing the information that Mr Stanhope has requested. When the government argue as strongly as they have for not releasing, you have to ask why they take this view. There is a strong feeling in this place that very often the government takes this view simply to avoid scrutiny. This is not a view that is held only in this place. The editorial in the *Canberra Times* of 3 May, only a week ago, describes the feeling that a lot of people have about this government. In connection with the Bruce Stadium, it says:

... the Canberra public has already been repeatedly treated to the disdain of a government that blithely cites "commercial confidentiality" to explain any lack of transparency.

That is a criticism that the government well deserves. Over recent years we have seen them pull that one time and time again in order to avoid accountability. The editorial makes another statement which this place should have regard for. Talking about natural justice and commercial justice, it says:

The question is whether an individual's reputation or the sanctity of a business's commercial methods should be accorded greater priority than the public's right to know how its money was spent and the duty of public officials to be accountable for their decisions. The latter are surely more precious ideals.

I could not have put it better than the *Canberra Times* has done in its editorial. The government should take heed of that sort of comment, because they have laid themselves open to suspicion. Every time this place asks for information, almost without exception over recent years, the argument has been: "It is commercial-in-confidence and we cannot tell you about it." As a generality, I do not believe that assertion is true.

In this case there seems to be some suggestion on the part of the government that the information is the property of ITC. I cannot see how Bruce Operations' budget for the event can be in any way privy to an outside organisation. That is what Mr Stanhope is asking for in paragraph (i) of his motion. Nor can I see how a reconciliation statement of the revenue and expenses specified in clause 4.7 of the contract between Bruce Operations and the International Touring Co can be held to be privy to one party to the contract. That is information that is crucial to Bruce Operations Pty Ltd, a government instrumentality. I do not see how the government can argue that either of those two things ought to be withheld from this place on the grounds that they are commercial-in-confidence or that that information that ought to be privy to this external organisation with which we are doing business.

The only contentious point is perhaps paragraph (iii), which refers to insurance policies and/or papers relating to those policies covering the event at Bruce Stadium. Mr Stanhope's motion refers to clauses 2(i), 2(j), and 2(k) of the contract between Bruce Operations and ITC. Those clauses are quite specific. I will read them. Clause 2(i), under the heading "Obligations of ITC", states:

upon the signing of this agreement to immediately effect the following insurance in joint names of the parties;

It is not in the name of ITC. This insurance policy was to be in the joint names of the parties, that is, Bruce Operations and ITC. How then, after the event, that contract having been signed, can the Chief Minister and the Deputy Chief Minister get up in this place and say, "But these insurance policies are privy only to ITC." They have said, "We have no interest in these policies." Mr Speaker, that is not true. We do have an interest. The insurance was to be in the joint names of the parties. That means that the ACT government, through BOPL, has just as much interest in that insurance policy as does ITC.

The agreement in the joint names of the parties was also to cover the expenses and loss of profits from cancellation of the event arising from any cause whatsoever, including whether. This joint policy was to protect both parties from cancellation for any purpose. The Chief Minister and the Deputy Chief Minister seem to be implying that they did not want to tell us about it because it was cancelled due to the non-appearance of certain performers. That might have been one of the reasons why there would be a loss of profits, but only one of them. Notwithstanding the cause of the cancellation, the policy covers the ACT government.

Clause 2(k) of the contract states that *ITC* is obliged "to provide on demand to BOPL copies of", among other things, "any policies of insurance undertaken in accordance with this Agreement". The agreement between us and ITC, first of all, says that the insurance

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policies are joint policies. The ACT government has just as much interest in them as does ITC, and ITC is obliged to provide to BOPL copies of those documents. All that BOPL has to do is ask for them.

When this Assembly asks for copies, all BOPL, the government agency, has to do under this contract is ask ITC for a copy of the contract of the insurance policies, if they did not already have them, and there is no basis for ITC to decline to provide them.

In light of what is said in that contract, for the Chief Minister and her deputy to come to this place and say that the ACT government has no interest in these insurance policies and that we are not entitled to have them tabled in this place is a subterfuge. One has to ask: why have they taken that view? We are back to the old habit of this government, commented upon by the *Canberra Times*, that every time we want information it falls back on the confidentiality argument. It says, "No, we cannot give it to you because it is commercial-in-confidence." It is the same old trick. It does not stand up when you read the contract between the BOPL and ITC. I can see no reason whatsoever why the interests of ITC would be compromised by that document, to which the ACT government is a joint signatory and under which it is a joint beneficiary in the event of cancellation, being made available in this place.

I support paragraphs (i), (ii) and (iii) of Mr Stanhope's motion. As I said before, if he is prepared to remove paragraph (iv), which might cause some difficulty, or to agree to dealing with the four paragraphs seriatim so I can vote accordingly on each of them, then I am happy to support three-quarters of his motion.

MS TUCKER (4.47): I will pick up from where Mr Kaine left off. I was going to express similar concerns. A number of contradictory statements have come from the government. If, as they claim, it is nothing to do with BOPL and the ACT government because the only signatory to that contract document is the International Touring Co, then it would appear they are in breach of contract. The contract requires that both parties be on that contract, so either they are or they are not. If they are not, there is another issue the Assembly needs to address later. We would expect greater diligence than that in ensuring that contract requirements were pursued.

Even if the contract did not require that both parties be on the contract, there is still an argument for the principles this government espouses on the use of commercial-in-confidence to be applied. I think I heard Mr Humphries say we need to apply a bullshit filter. I do not know whether that is parliamentary language, but the Speaker did not pick it up. If that is what Mr Humphries said, I always have my bullshit filter on in this place. It is on, believe me, Mr Humphries.

When I look at the principles and guidelines for the treatment of commercial information held by ACT government agencies, I want to pick up the line of Mr Quinlan's and Mr Stanhope's argument in response to the Chief Minister, who keeps saying, "What is the use of this?" She has switched the onus of responsibility for whether or not information should be freely available. That is not consistent with her guidelines. Clearly outlined in those guidelines is that the onus is definitely on the private firm and the government to justify why something has to be commercial-in-confidence. The public interest is served by having the default position that information is available because it involves taxpayers' money. That is the underlying principle of this government's

guidelines for the use of commercial-in-confidence, a concept I support and I think other members support. We understood that that was the most appropriate way to address the use of commercial-in-confidence. I quote from page 4 of the guidelines:

Confidentially will be afforded to commercial information provided by private citizens or businesses in limited circumstances. This includes where confidentially is required under a pre-existing legal duty to maintain confidence or by pre-existing contract.

The obligation of government to account for its actions limits the extent to which the Territory can enter confidentially agreements. It is important that the Territory's business partners understand these limits early in any discussions. It should be understood that commercial-in-confidence status would be afforded only in the limited circumstances set out in these guidelines. Discussion of these issues should occur early in any negotiation before potentially confidential information comes into the possession of the Territory.

A question I am asking now is: did this happen? Was there a discussion? The guidelines go on to say:

In any future dealings by or on behalf of the Territory, those dealing with the Territory should be informed in writing that:

the Territory will act under a policy in favour of making available to the public information surrounding its commercial dealings. This may include making available details of contractual arrangements between the Territory and the private citizen or corporation;

Second question: did that occur? Was there information in writing? The guidelines further state—and this should also be included in the information in writing:

the Territory may be required to disclose information, either under the FOI Act or by the responsible Minister in the Legislative Assembly;

confidentiality will be afforded only in accordance with these guidelines. Contracting firms or individuals should clearly identify, in writing, any information they believe is confidential. Agencies, in consultation with the contracting party, must resolve which information will be considered as confidential before the matter proceeds.

Did this happen? The guidelines continue:

Where it is agreed that information is confidential, the party providing the information should be advised in writing that confidentiality may be subject to exceptions—

even where confidentially is granted there may be exceptions—

where the information:

is required, or authorised, to be disclosed by law;

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must be disclosed to the Territory's solicitors, auditors, insurers, advisers or Territory Ombudsman;

is disclosed by the Auditor-General, in the public interest, in a report to the Legislative Assembly—

and this is an interesting one—

is required to be disclosed by the Legislative Assembly or its Committees; or

is reasonably necessary for the enforcement of the criminal law or for the protection of the public revenue.

These principles say that, even if all this correspondence had occurred before and International Touring Co wrote down that they did not ever want this sort of information made public, the government would have been told, if it had been following its guidelines, or BOPL would have told them that they would still be subject to having that information made public in any of those circumstances I have just read out. In terms of the bullshit filter, are these principles and guidelines for the treatment of commercial information held by ACT government agencies bullshit?

MR STEFANIAK (Minister for Education) (4.53): I do not know whether I have heard so much bullshit in all my life.

Mr Rugendyke: I take a point of order, Mr Speaker. I am of the opinion that the word being bandied about is unparliamentary and should be added to the list of unparliamentary words.

MR STEFANIAK: I will withdraw “bullshit”, but does that mean we can have “bullshit filter” and “bullshit parameter”?

MR SPEAKER: Withdraw it, Mr Stefaniak.

MR STEFANIAK: I withdraw “bullshit”, but I note that other members have referred to “bullshit filter” and “bullshit parameter”. I want to know whether I can use those terms as the other members did or whether you want them to be unparliamentary also.

MR SPEAKER: If somebody else referred to it, I did not hear it. If I had heard it, I would have sought a withdrawal, as I have now, and you have given it. Thank you.

Mr Berry: Now that it is added to the list, Mr Speaker, when Mr Humphries comes back, would you remind him that he used it earlier?

MR STEFANIAK: You could remind Ms Tucker too, Mr Speaker.

Mr Hird: You did not use that, Ms Tucker?

Ms Tucker: I was quoting Mr Humphries.

MR SPEAKER: Order! Might I remind all members that I am also dealing with relevance here. Would you mind getting on with the debate, please.

MR STEFANIAK: Mr Speaker, I will withdraw that. Thank you for your ruling. Members no doubt will note that. A lot of nonsense has been flying in this debate.

Mr Berry: All lies and propaganda.

MR STEFANIAK: I am glad Mr Berry interjects. As he is wont to do, he talked about some amazing things. Someone must have switched the speech No 1 when Mr Berry started talking, because we had all the hoary old favourites, including that old chestnut, the futsal slab, which he just cannot seem to keep away from. I think we should give him a miniature one for Christmas. He talked about this government's "appalling financial record". It was quite amazing. Is it an appalling financial record when the government can bring down—and you have it in the draft budget—a balanced budget for the first time ever, with a forecast in the draft budget, which everyone has, of a \$2.194 million surplus after the \$344 million deficit which we inherited from the Labor Party?

Honestly, if that is a government that has an appalling financial management record and a dreadful financial record and cannot be trusted with Bruce Stadium or futsal slabs, I will eat my hat. In any sensible person's language, this government has brought down a series of good budgets to get us from a horrible deficit of \$344 million to a draft surplus, which we have put on the table. People will see our budget in a couple of weeks time. In any sensible person's book, that shows excellent financial management.

Mr Berry also made another amazing quip just before lunchtime in this debate. Someone from this side interjected that when we were in opposition we did not attempt to have all sorts of amazing information which we properly regarded as commercial-in-confidence dragged out and put before the Assembly when it was not in the public interest. When we did try to properly extract from the then Labor government information which was in the public interest but had some commercial tint to it, what did they do? They refused to put it on the table. They refused to supply it. I was appalled to hear Mr Berry say that we did not have the numbers, that it is a different Assembly and that if they have the numbers they can do anything. I would have thought normal standards of what is appropriate should be the test, regardless of whether people have the numbers or not. That is something people need to consider in this debate.

What is it right and proper for this government to put on the table that he has not already tabled? What is right and proper in the community interest and the public interest? That is the crucial question, in terms of what should be put on the table. It is not just a matter of what should be put on the table because they think it is a good idea and can make political mileage out of it and keep the saga of the inconsistencies and the nonsense they have been spouting about Bruce Stadium going for longer and longer and keep spinning this web, almost a web of deception, to influence the public about Bruce and things relating to it.

They have to get back to what is proper and what is in the public interest, and not do as Mr Berry did and say, "I can do anything because I have the numbers." My God! If parliaments or civilisations had adopted that attitude, we would never have got past the caveman era. We would not have been out of the days of Attila the Hun if governments in the past had said that if they had the numbers they could do anything. That does not justify any sort of behaviour. People should think very seriously about that.

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What do members opposite want the government to do? Do they want information on every conceivable commercial deal to be put on the table? What confidence can that give any business that wants to do business here in the territory and invest money here? Certainly, a business has to be prepared for a reasonable amount of public disclosure if that is in the public interest. But surely if you took it to the logical, ridiculous extreme, you could have every conceivable commercial deal with anything remotely affecting the government or relevant to government entities being made public. When they do their dealings, they might as well invite all the TV cameras, the radio stations and the papers in. Quite clearly, you could go to a ridiculous extreme.

We need to pause and separate the base, blatant and stupid politics from the real question of public interest. This motion risks taking it to ridiculous extremes. Maybe we have opened a few too many Pandora's boxes already in some of the discussions we have had in recent times about what is commercial interest and what is not and what should be produced. This motion would take it one further step that is not in the public interest and potentially, could have a very detrimental effect on people running a business, certain details of which should properly be in the public domain but certain details of which should not be in the public domain.

I recall debate in 1994, when the present Chief Minister, quite rightly, was trying to extract from the then government details of the Canberra Milk sponsorship of the Raiders.

Ms Carnell: Direct sponsorship.

MR STEFANIAK: Direct sponsorship. Thank you, Chief Minister. Members will recall that at the time the Raiders were the Canberra Milk Raiders. They did very well. Mr Osborne remembers that year very well because he set up two tries in the grand final.

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

MR STEFANIAK: Quite properly and quite reasonably, the Chief Minister was trying to extract that information. I do not think anyone would dare to suggest—if they did, they would be complete hypocrites—that that sort of information should not be available now. In fact, this government has given similar information and much more, in perhaps much more dubious circumstances, to the relevant bodies as a result of Assembly concerns. When Ms Carnell asked for information, the then Labor government objected. They said it was commercial-in-confidence and Ms Carnell did not pursue that issue for that reason, quite properly so. If we tried to hide behind commercial-in-confidence now with respect to a body that used public money to fund a sporting team, the Assembly would have our heads. There is a fair bit of hypocrisy in this motion being brought on, when one looks at the ALP's record.

Investment in Canberra is important, and where to draw the line is very important. There is such a thing as the public interest. What is the public interest? That is the test I would ask members to look at here. Is this information which Mr Stanhope seeks in the public interest, or does it really go over the top? Is it information that would persuade

companies or commercial entities that Canberra is not a very sensible place to get involved with because all sorts of information that every other place would regard as being privy to people in contractual relationships is put on the table, not because it is in the public interest but so it can be used for political point-scoring?

During the ACTEW/AGL debate and other debates we have heard about people interested in mergers with the territory being scared off. Even Labor members and Labor ministers in the New South Wales parliament were saying that the ACT Assembly was a law unto itself and that this could be a real problem if they were to be overseeing things. (*Extension of time granted.*) In the view of that government, the ACT Assembly might incorrectly intervene. That is something members should be worried about.

Someone can correct me if I am wrong, but my understanding is that a lot of tickets were sold for a concert at Bruce Stadium. The stadium, BOPL, were going to make a profit. However, through an act of God—in other words, the weather—the concert had to be cancelled. As a result, people were refunded the money they had paid for their tickets. If anyone has been inconvenienced in any way and has a claim on the insurers, they have rights under the law which I do not think anyone has suggested to me would not apply. People may be disappointed and may have suffered some inconvenience because the concert was cancelled, but no-one will be out of pocket and not compensated.

Getting back to my point about the public interest test, I cannot see how on earth Mr Stanhope's motion advances the public interest one iota. If anything, there is a danger of too much information and too much extraneous information not relevant to the public interest being put on the table, to the detriment of commercial deals that are properly done and lawfully done between bodies. That could be a real problem for people wanting to do business in the territory in future. Quite clearly, there is no public interest in disclosing the information Mr Stanhope wants. If anything, it may well be dangerous to do so.

MR RUGENDYKE (5.05): Open and accountable government is a very serious matter that we are all aware of and take note of, but I recognise that a line needs to be drawn in the sand as to how far that goes. There may well be a good reason for disclosure of the insurance policy and the claim form sought under this motion. There may well be a rabbit at the bottom of the burrow that needs to be exposed. It is hard to think what rabbit it might be, but I am sure that we will hear the reason for needing to see the insurance policy, the insurer's name and all that sort of thing when there is a reason to know that. I will hear that in the closing speech perhaps. I will listen intently, as I have done through this debate, as to why we need to know about the insurance company or the claim form between two organisations. I am sure that in the closing speeches I will hear a good reason to support the motion.

MR SMYTH (Minister for Urban Services) (5.07): Mr Speaker, I would like to correct a few things that Mr Berry said in his Chicken Little speech about the sky falling. He spoke of the economic footpath littered with the failings of this government. Let us look at them, Mr Speaker. We did not just stumble into the fastest economic growth in the country. It is the result of the policies of the government. We did not trip into a balanced budget. It is due to the hard work we have done as a government. We did not just fall into 5.2 per cent unemployment. We have worked very hard to achieve that. We certainly did not slip into the highest private sector growth or the best job ads growth, against the

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trend across the rest of the country, or increased retail growth. These are the economic achievements of this government under the Chief Minister, and we have worked very hard for them.

We do not get acknowledgment from the Labor Party, although today Mr Quinlan twice acknowledged the achievements of the government, which shows real leadership. All we get is the same cant from Mr Berry that the electorate did not believe before the last election and do not believe now.

Mr Quinlan said the onus was on the government to prove why the documents should not be released. That onus has been very clearly fulfilled, and the position has been stated very simply. The documents are not ours to release. The contract is between ITC, a private business, and their insurer. The government has already released the Bruce Stadium's insurance details to Mr Stanhope. They are right there. They are in black and white. They are in the contract. That is a legally binding contract that states very clearly in clause 2, "Obligations of ITC":

(i) Upon the signing of this agreement to immediately effect the following insurance in joint names of the parties:

(i) Public liability to an amount of \$10 million per claim; and

(ii) expenses and loss of profit from cancellation of the Event arising from any cause whatsoever including weather; and

(iii) infringement of the third party intellectual rights;

(iv) effect any other insurance as the parties may reasonably agree on;

The contract between Bruce Stadium and the ITC is a binding document. It is signed and agreed to by both parties, and it clearly states the requirements for the insurance contracts that ITC must take out. If ITC fail to take out those insurance contracts, the onus remains on them, and Bruce Stadium could seek a remedy based on that contract. That is quite clearly Bruce Stadium's insurance policy with ITC.

What Mr Stanhope is asking for is a copy of an insurance policy that is between two parties other than Bruce Stadium. Mr Kaine said in his speech—and this is the document that he was referring to—that our signature is on that contract and that we are a beneficiary of that contract and therefore we should release the document. It is not true. Our signature is not on ITC's contract with its insurers. It is not ours. We may be a beneficiary, but our signature is not on that contract.

Mr Kaine: I did not say that it was.

MR SMYTH: Mr Kaine tells me that that is not what he said, and I accept that I have misunderstood what he said. The point is still the same: it is not our contract. Our signature is not on it.

Let us take it one step further. Insurance companies often take out insurance on their own policies to protect themselves, and sometimes, if they insure a party for a large amount or write a number of insurances that could amount to large damage claims, they offset some

of that risk by insuring against that occurrence. It is a lot like a bookie who offloads some of the risk of his bets. Will Mr Stanhope then be asking ITC's insurers for copies of their contracts with other insurers?

Some questions have been raised as to why, if ITC was required to take out an insurance policy naming both ITC and the companies associated with the venues in Canberra, Perth, Adelaide, Newcastle, Sydney and Wollongong as the beneficiaries, it should not be released. To put it in simple terms, many of us would have insurance policies on ourselves that name one or more of our families as the beneficiaries. Those persons are not a signatory to those policies.

Ms Carnell: Or a party to them.

MR SMYTH: As the Chief Minister says, they are not even a party to them. There is no requirement for them even to know that they exist. However, they still reap the financial returns if something happens to one of us. Bruce Stadium is in the same situation. Just because it is named in the contract as one of the beneficiaries, that does not mean it had anything to do with the taking out of the policy. Bruce Stadium had no control over which insurance company ITC used or whether ITC used more than one company to cover its obligations. ITC was legally obliged to fulfil its obligations under a legally binding contract, and that, Mr Speaker, as we all know, has occurred.

Mr Stanhope has also made it publicly known that he has put in a freedom of information request for all documents relating to the government's dealings with Impulse Airlines. This is another example of him showing that he has no understanding of how business works. During negotiations with Impulse, the airline rightly gave the government negotiators access to information about their business, information which is highly sensitive. That information included such things as when Impulse might expect to begin new operating routes, what their price structures on those routes might be, how much Impulse would be paying employees and so on—lots of information vital to the success of Impulse.

That information is also important to Impulse's competitors and possibly trade unions but nobody else. If that information is made public, Qantas and Ansett will be given an enormous advantage, an advantage they will not have to give back to Impulse. So we may expose Impulse to economic danger, economic tragedy. If one of the other airlines used that information to begin operating a route before Impulse, at the same or a lower price, the new Canberra-based airline's competitive advantage would simply be lost. If another airline wanted a new engineer, they could poach one from Impulse by simply offering higher wages or better conditions.

When lower prices or better wages occur because there is fair competition, that is a good thing. But when one company is given an unfair advantage over another because of nothing more than a cheap political stunt, that is a betrayal of fair play, and it is a betrayal of good business practice. Clearly, this would put Impulse at a distinct disadvantage compared with its competitors and could put its business in Canberra at serious risk. This is a business that Access Economics predicts will create enormous benefits not just for Canberra but for the entire region.

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The downstream effect of all this is that it would also deter other businesses from dealing with any ACT government—not just us but a future Labor government, an unlikely event, or a future coalition government—if they knew their business would be put at risk by this sort of irresponsible and unwarranted demand. Mr Speaker, I urge all members to seriously consider whether Mr Stanhope has the best interests of the ACT at heart in his request. I doubt it.

MR CORBELL (5.16): Mr Speaker, we heard in the debate earlier today comments by the Attorney-General, Mr Humphries, about what, in his words, had changed in the Labor Party, which in opposition is demanding documents and requesting that the Assembly support our demand, when we took what he alleged was a somewhat different view in government. My colleague Mr Berry and my leader, Mr Stanhope, pointed out, but I reiterate it to stress the point to members, that what is fundamentally different is that the government's track record on deals—secret, open or regardless—is absolutely appalling.

Mr Speaker, my first close involvement with these types of arrangements came with the Hall/Kinlyside land deal. The only term I can use to describe that deal is “cowboyish”. That deal, for me, epitomised the whole style of this government. That deal showed that this government was prepared to give away land worth millions of dollars to the territory through an exclusive deal, with no open tender process, no accountability process and no public process whatsoever. The government was prepared to completely change the planning framework for the ACT and yet enter into the deal before it had even managed to achieve that. Then it came to this place and insisted that it had done nothing wrong.

It took FOI requests, public hearings, motions in this Assembly, as well as questions through the Estimates Committee, before we could get to the bottom of it. It took months to get to the bottom of it. In all that time I remember the government saying that Mr Whitcombe, the individual involved in the deal with the government, brought three leases and put them on the Chief Minister's table. We prodded and probed, we asked and we requested, and we demanded. And eventually what was revealed? The Government did not have those three pieces of paper. Its whole justification for the deal was a complete farce. The deal was completely shonky.

That is exactly why today we are proposing this motion. This government has an appalling track record. Hall/Kinlyside confirms it for me, without having to go on to all of those other blunders and disasters like Bruce Stadium, the Feel the Power campaign and many others.

Mr Kaine: The futsal slab.

MR CORBELL: My colleague Mr Kaine mentions the futsal slab. Indeed, Mr Kaine. However, the purpose of this motion today is to obtain that information the government has so far refused to provide. This is exactly the information that Mr Stanhope asked the Chief Minister to provide in question time several weeks ago and which she said she would provide but has not provided. Again, it reminds me of Hall/Kinlyside. We were told, “We have done nothing wrong. We will show you everything.” Yet what did we have to do? We had FOI requests, public hearings, questions on notice and motions in the Assembly. And here we are doing it all over again.

Mr Speaker, these issues are important. We need to understand what was happening in relation to the Ultimate Rock Concert. We need to understand the relationship between the Stadiums Authority and the event. We need to understand exactly how much and to what extent taxpayers' funds were committed and in what ways. That is the purpose of this request. One of our most important roles is to scrutinise the expenditure of public funds and to make sure that those funds are expended appropriately. We want to see where they went and whom they went to. We want to see how it all worked.

In the debate earlier this evening Mr Kaine said that he sees no reason for the government to provide the statement of claim and supporting documentation for the insurance claim for the cancelled concert. I foreshadow now that I will be moving an amendment, which I understand members have in front of them, to omit paragraph (iv) of Mr Stanhope's motion to reflect Mr Kaine's concerns. The Labor Party have discussed this, and we feel that Mr Kaine's request is a reasonable one and we are prepared to accommodate it.

The other three points are still of central importance and interest to us. We want to make sure that we understand and see all of the documents relating to the budget for the event, including expected revenue, expenses and profits, the reconciliation statement and the insurance policies and other papers. The reason for this is that we are not some third party associated with any of these issues. We are directly involved. We are not some innocent third party, as the Attorney and other have attempted to portray us. We are a central player, and taxpayers' funds have been committed to this event.

We have to make sure we understand what has occurred in relation to this matter. We need to understand that the budget has operated appropriately and that taxpayers' funds have not been misspent. We need to understand how the statement of expenses versus revenue works, we need to see that in that contract between Bruce Operations Pty Ltd and the National Touring Co, and we need to see the insurance policies and all papers relating to those policies.

Much has been made of the insurance policy issue this evening. However, I do not believe members have read the motion closely enough. Mr Stanhope has been quite deliberate in stating "the insurance policies and/or papers relating to those policies". We do not want to unnecessarily divulge or to have divulged details which are legitimately commercial-in-confidence, but where public moneys have been spent, how they have been spent and to whom they have been paid are legitimate matters of public interest. They deserve to be revealed, and the government should be required to provide that information to this place. The government has a responsibility to appropriately expend those moneys in a responsible way, and we have a responsibility to make sure they have been spent in a responsible way. We cannot do that unless these documents are provided.

In conclusion, I reiterate to members that I have circulated an amendment to omit paragraph (iv) from the motion in recognition of the concerns raised by members today. We believe that the documents outlined in the other three paragraphs of the motion are important and deserve to be placed on the public record so we can see exactly whether or not public moneys have been spent in an appropriate manner.

Mr Speaker, I move the following amendment:

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Omit the following words:

“; and

(iv) the statement of claim and supporting documentation for the insurance claim for the cancelled concert.”.

MS CARNELL (Chief Minister): Mr Speaker, could I have leave to speak briefly, again because of some questions asked?

Mr Berry: No. Four ministers have spoken on this.

MS CARNELL: It is just that some questions were asked. An amendment has been moved anyway. I do not even need leave to speak to the amendment.

Leave granted.

MS CARNELL: Thank you very much. I will speak to the amendment. The amendment excludes paragraph (iv), which I am very pleased about. The problem, though, is that paragraph (iv) and paragraph (ii) relate to the same information. It is quite obvious to anybody who looks at the motion that that is the case. The reconciliation statement of revenue and expenses that was put together by BOPL and ITC was the documentation that was put together to go to the insurance company. Why wouldn't it be? It obviously is the statement of claim for the insurance company.

I follow up Mr Kaine's comments about paragraph (i). We released that information earlier today. The budget for the event has been put on the table. Paragraph (iv) and paragraph (ii) relate to the same information: the statement of claim. What else would a statement of claim be but a list of revenue and expenses for the event, plus projected profit? There is nothing more that a statement could be. So I do not think it would be very logical to get rid of paragraph (iv) but leave in paragraph (ii).

Mr Kaine indicated that BOPL was a party to the insurance. They are not. I am informed the policy is a document between the International Touring Co and the insurers. I gave some members some information on how the insurance system works. ITC have a certificate of insurance with an insurance broker. The insurance broker goes to a number of insurance companies to pick up various parts of the agreement between ITC and the insurance broker, and then in the case of a claim there is an insurance assessor. As I indicated before, the insurance assessor is an entity in London. I think it is Lumley's. Anyway, it is one of the major insurance companies in London. I wrote it on the bit of paper I gave someone.

A member: It was Lloyd's.

MS CARNELL: Thank you. Lloyd's of London are the assessors in this situation. So there is not a single insurance policy, as you would not expect there to be. Mr Kaine, I know that you would be interested in this. There are a number of reasons why ITC do not want information on the relationship they have with the insurance broker released. What information do you think the insurance broker would want from ITC? Obviously it would be information about the business of ITC, the financials related to ITC, and previous claims that ITC has made on insurance. That is what you would want if you

were an insurance broker entering into a fairly large arrangement. Remember that this is for the whole tour right around Australia. I am sure you can see why ITC have a problem with releasing information about their business and information—

Mr Stanhope: We want the stuff about our business. What about our business?

MS CARNELL: There is nothing to do with our business involved.

Mr Stanhope: There is. The contract says it is has to be in our name.

MS CARNELL: No, it does not say that.

Mr Stanhope: It has to be in joint names, the contract says.

MS CARNELL: That is true. It does not say it had to be in our name, Mr Stanhope. How the contract is put together is important. It is not just with BOPL. The contract names all of the investors and all of the venues, as you would expect it to. One of the venues is Bruce Stadium and one of the investors is BOPL, along with a large number of other investors and venues. That is the situation. It is not in joint names as you have tried to put it. BOPL is one of the investors and Bruce Stadium is one of the venues. There is not a separate contract between BOPL and ITC. There is a contract or an arrangement that has all of the venues and all of the investors named, but the contract is very definitely, as the contract makes clear, between ITC and the insurance broker.

The entities that fall under that are not either parties to the contract or signatories to the contract. They are named in the contract as beneficiaries, I suppose, if there is a claim. There is a very large difference between being a party and it being our contract.

Mr Stanhope: So they are in breach of the contract.

MS CARNELL: Jon, you know better than that.

Mr Stanhope: I do not.

MS CARNELL: If you do not, I will tell you again.

Mr Stanhope: You tell me but you will never convince me. They are in breach of the contract if it does not comply with 1(l) and you know it.

MS CARNELL: They are not in breach of the contract. The way that it was being put in this Assembly is that somehow we were a party to the contract.

Mr Stanhope: That is what your contract says.

MS CARNELL: It does not say we are a party to it. Where does it say that?

Mr Stanhope: It says that the contract will be taken out in joint names.

MR SPEAKER: Order, please! We are not going to have a debate across the chamber.

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MS CARNELL: Sorry, it names Bruce Stadium. That is not a party to it. The contract names all of the investors and all of the venue hirers.

Mr Berry: You are desperate to cover this up, aren't you?

MS CARNELL: No. It is just that I cannot release—

MR SPEAKER: Order, please! It is getting very late. We will have to adjourn for dinner very shortly.

MS CARNELL: Mr Speaker, the problem is I cannot release a contract that we are not a signatory to. It is that simple. I have explained the issues. Paragraph (ii) and paragraph (iv) relate to the same information. I have explained why ITC do not want the contract released, and we have already released the information referred to in paragraph (i).

MR STANHOPE (Leader of the Opposition) (5.34): That is an appalling admission by the government. The Chief Minister has just admitted that BOPL did not pursue its obligations as the administrators of this contract between itself and ITC. There is a clear obligation imposed on ITC. Mr Kaine read it out clearly. It is quite clear; it is succinct; it is unambiguous. ITC and Bruce Operations entered into a legally binding contract. Upon the signing of the contract, ITC undertook, as one of its obligations under the contract, immediately after 21 October 1999 to enter into a contract of insurance. ITC undertook to enter into another contract, a contract of insurance in the joint names of ITC and BOPL. That is a clear and unambiguous legal requirement. ITC undertook, as part of the obligations that it accepted under its contract with BOPL, to enter into another contract—a contract of insurance, not an indemnity.

What the Chief Minister has been describing is a straight indemnity arrangement. It is not an insurance arrangement. There is no contract of insurance underwriting the ACT's risk to the exposure that it faces as a result of advancing \$109,000 on that day to a trustee located in Surfers Paradise. That is what we did. That is what we are talking about here. The day after this contract was signed, ITC was to enter into another contract, a contract of insurance.

The Chief Minister now tells us that they did not do it; that they have some other underwriting. The Chief Minister has circulated a cute map, Cayman Islands mark 2, explaining the indemnity arrangements. This is not an insurance contract; this is an indemnity arrangement, an underwriting arrangement by ITC with some foreign-based underwriters.

How is the ACT's investment protected? What is the ACT government's investment? What was our exposure? Under the contract we paid \$109,000 to a trustee located in Surfers Paradise. Under the agreement, we undertook a range of other responsibilities. We undertook to secure the event for the venue. We undertook to make the venue available. We undertook to arrange ticketing. We undertook to arrange food. We undertook to arrange the security services. We undertook to arrange the ushering services. We undertook to arrange the cleaning of the venue. That is what we undertook to do.

We also undertook to pay all the expenses associated with this deal. What have we heard about the expenses? What do we know about the expenses? We know from the Chief Minister's answers in this place that the expenses for this venture, this rock concert, were \$545,000. We know from Mr McManus from ITC that he met out of his pocket about \$250,000. Let us take \$250,000 from \$540,000. What are we left with? About \$300,000. The ACT's exposure, on those sums, is \$300,000. Should we have insurance to cover that potential loss, that expense, particularly when the contract says that we will not only share any profits but also share the losses.

What if this had been a disaster? What if it had cost us millions of dollars? Would you not like to know that we had insurance covering that liability, covering that exposure? The ACT became joint rock concert promoters with an international entrepreneur. We entered into a contract which required that entrepreneur to take out insurance to cover our exposure and, in the event, to cover any loss of profits resulting from a cancellation of the concert for whatever reason. That is what we are talking about here. The ACT became a joint venture partner with a rock concert promoter for a deal that it seems, on the rough figures available to us, we have already committed \$300,000 or thereabouts to.

Mr Humphries: You know how much has been committed, because it is all in the tabled documents.

MR STANHOPE: We do not. The Chief Minister has told us \$540,000. You should listen. You should understand what we are dealing with here. The Chief Minister has told us that the expenses to date are \$545,000. We also understand that the takings from ticket sales were well over \$700,000. In addition to roughly \$300,000 that it seems we may have expended, we have coming to us about \$100,000 in loss of profit. Under the insurance arrangements that were entered into, or that should have been entered into, we have coming to us about \$400,000. That is what we are insured for: the profit that we might have made. That is what ITC contracted to protect us from and for.

We now hear from the Chief Minister that they did not do it. There is no contract of insurance in joint names. We do not have an insurance policy covering our losses, our expenses, our risks. It does not exist. All we have, apparently, is an indemnity arrangement, some underwriting arrangements facilitated by Lloyd's of London. We think that is what we have—nobody knows.

We have had the argument that it is a generic thing; that it covers every concert. I do not care about the other concerts. I care about the ACT ratepayers' money. I want to know what they did to protect the ACT ratepayers' money. It seems they did nothing. If ITC does not cough up with \$400,000, is the ACT government going to sue? You should not be suing ITC; you should be making a legitimate claim on a reputable insurance company, if you had administered this contract seriously, if you had taken the interests of the ACT ratepayer seriously—and it seems you have not done so.

One wonders about the other aspects of the administration of this contract. One of the clauses says that BOPL will meet the expenses. If BOPL was to meet the expenses, why did McManus pay \$250,000 worth of them? On what basis did he pay up? Were those bills paid by McManus cleared by BOPL? Whom did he make the payments to? Do we know what they were for? Were they legitimate claims? Were they itemised? Does he have receipts? Did BOPL clear them?

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That is what the contract provided should have happened, in the event that BOPL had paid the bill. If the contract had been administered within its terms, then BOPL was to meet the expenses in accordance with a strict formula set out in the contract. Did McManus follow that same formula? Did McManus justify the expenditure of \$250,000 of our money? Of the money that McManus apparently spent, \$109,000 was money which we paid into the trust account of a solicitor operating out of an office in Surfers Paradise. What control did BOPL have over that trust account? What does BOPL know about that? What does BOPL know about any of the bills that were paid by McManus?

Is this the way to control the expenditure of ACT ratepayers' moneys? Is this the way to manage contracts entered into by ACT government organisations—not to comply with the terms of the contracts? The contract was explicit—“upon the signing of this agreement to immediately effect the following insurance in joint names of the parties”. That is pretty clear. ITC was to effect a policy of insurance in the joint names of the parties. How much clearer can you get than that? It is crystal clear. ITC was to effect a policy of insurance in the joint names of the parties to the agreement, and they did not do it.

Our exposure is not protected. The moneys we advanced to the solicitor operating out of his office in Surfers Paradise are not protected. We are not protected against loss of profit and, more seriously, we are not protected against the potential losses that could have occurred as a result of this thing going bad. We could have potentially faced losses of millions of dollars if it had gone appallingly bad.

I had meant to refer to the commercial-in-confidence guidelines and to the extent to which the Chief Minister and her ministers today have simply trashed that document. To get some historical perspective, it is worth members reading the guidelines and the Chief Minister's covering press release. It will give you a good laugh today. It will make you despair but in some perverse way it will also make you laugh. What did the Chief Minister say those short 18 months or so ago when she was releasing the guidelines? These are the words of the Chief Minister:

Wherever possible there should be full disclosure of information relating to how public monies are being spent. This includes information relating to the government's commercial dealings with private citizens or corporations.

She also said:

These draft principles and guidelines give effect to our policy of transparency and openness in acting on behalf of the people of the ACT.

(Extension of time granted.) I make a couple of other comments to illustrate the extent to which the government has absolutely no commitment to its commercial-in-confidence guidelines. It uses commercial-in-confidence to hide behind. It has guidelines. They are quite reasonable guidelines. They were issued only recently by the Chief Minister. In the words of the Chief Minister:

The people of the Territory have a right to know how public moneys are expended and how public assets are managed by the Territory.

That is what we are talking about here—how public moneys are expended and how public assets like BOPL and Bruce Stadium are managed by the territory. The Chief Minister concedes:

The people of the Territory have a right to know how public moneys are expended and how public assets are managed by the Territory. This right extends to the Territory's dealings with the private sector relating to contracts.

The guidelines go on in embarrassing detail. Ms Tucker went through them to some extent. Because of the length of this debate, I will not go into them any further. They are sober reading for people who have listened today as the Chief Minister and each of her ministers have trashed the document, have discarded it, have thrown it away. It is now just a nonsense document. It means nothing.

This government's commitment to openness is a farce. It is some sort of wavering spirit. It does not exist. There is no commitment. That has been made abundantly clear today. I repeat the claim I made earlier. I cannot understand how any member in this place can say they do not want to know what the insurance policy says, that they do not want to know whether the ACT's payment of these moneys is covered by insurance. We are now getting the good old Bjelke-Petersen line: "Don't you worry about that. You trust me. Don't you worry about that. I've got it under control." I do not want to know whether you took out the insurance policy; I do not want to know whether you protected the ratepayers money; I do not want to know whether you administered the contract properly—I do not need to know! In other words, I do not really care all that much—it is all too hard!

There is absolutely no reason why a contract which was entered into on our behalf and which should be headed by our name cannot be released to us. It is our contract of insurance. They are our moneys. It is our contract. It is not somebody else's contract. The contract between ITC and BOPL is clear. It is our contract of insurance. It was taken out to protect us and our money, and it seems that that was not done.

If there is another document, I would be more than happy for the government to excise all those bits to do with Sydney, Adelaide, Melbourne and Brisbane. I only want the clauses of that contract that relate to BOPL and protect our moneys. Why can we not have that? Why can the government not give us that? Why can they not give us the reconciliation statement of costs against income, a straight balance sheet showing how much money was taken in and how much money was paid out. Why can we not have that?

What is it that we are hiding from here? What is the government seeking to protect? It is certainly not seeking to protect its commercial-in-confidence guidelines. It has trashed those. What are they hiding? What is the cover-up? What is the next embarrassing secret? What is the secret that we are not to be let into here? What is it that they are trying to cover up? What aspect of maladministration are we concerned with here—the fact that they did not take out the contract at all, the fact that we are not covered, the fact that Lloyd's of London is going to get a terrible shock one of these days as they deal with the claim for \$750,000 under a straight indemnity agreement? It would be interesting to know how Lloyd's of London will deal with this.

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Mr Humphries: This is dredging the bottom of the barrel.

MR STANHOPE: It is an interesting point, minister. Are you the minister responsible for the administration of BOPL and this contact?

Amendment (**Mr Corbell's**) agreed to.

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

That paragraphs (i), (ii) and (iii) be put separately.

The Assembly voted—

Ayes, 7

Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Osborne
Mr Smyth
Mr Stefaniak

Noes, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Ms Tucker

Question so resolved in the negative.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Osborne
Mr Quinlan
Mr Stanhope
Ms Tucker

Noes, 7

Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Private Members Business

MR BERRY(5.56): Mr Speaker, Labor will be opposing this motion. There is more business on the daily program that needs to be addressed this evening. I know Ms Tucker has an important motion to move, as does Mr Kaine. Labor has two motions it would like to resolve. Bear in mind, Mr Speaker, that it was resolved by the Administration and Procedure Committee that these matters be put on the daily program for today. We said that we would sit until 7 o'clock and then adjourn. I think we should attempt to deal with these issues.

Every minister spoke ad nauseam to the motion we have just resolved in this place. I suspect that they did not want to get to the end of that debate.

Mr Humphries: That is not true.

MR BERRY: I withdraw that in respect of Mr Moore. I would hate to blacken your name, Mr Moore, in this respect. Everybody has a good side. Sometimes it is hard to find. We will oppose the motion. I do not need to go on ad nauseam about the issue. I just say that we will be voting against any move to adjourn the house. It is not the government's business to adjourn private members business.

Harcourt Hill—Telecommunications Tower

MR HIRD (5.58): I wish to inform the house that I have received a number of representations from residents of Harcourt Hill regarding a proposal to erect a telecommunication tower close to residential development in that area. I have made representations to Minister Smyth and to Senator Margaret Reid, drawing those concerns to their attention.

Answers to Questions on Notice Private Members Business

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.58), in reply: In response to a question today from Ms Tucker about her question on notice No 247, I want to inform the Assembly that a copy of my response has been forwarded to Ms Tucker's office this afternoon by the Assembly Secretariat. I signed it yesterday. I am sorry that it did not get to her yesterday. The delay was a result of organisational error within the department, and I apologise for that.

Mr Berry, in opposing the adjourning of the house, said it is not the minister's business to be adjourning private members business.

Mr Berry: Not the government's business, I said.

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MR HUMPHRIES: Not the minister's or the government's business to be adjourning business on private members day. The government adjourns business every day, under the terms of the standing orders, and has done so for 11 years.

Mr Corbell: The issue is who initiates it.

MR HUMPHRIES: That is true. The question is what the vote resolves. If we have miscalculated the mood of the house, then clearly the house will continue to sit and we will have further debate.

Question put:

That the Assembly do now adjourn.

The Assembly voted—

Ayes, 8

Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Noes, 7

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope
Ms Tucker

Question so resolved in the affirmative.

Assembly adjourned at 6 pm