



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

8 April 1997

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**Tuesday, 8 April 1997**

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**MR SPEAKER** (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **TIMING CLOCKS**

**MR SPEAKER:** I wish to advise members that there is a malfunction in the timing clock system in the chamber and that, as a consequence, they will not operate in this sitting week. As an alternative, the Clerk will have a stopwatch and a bell to time members' speeches. As is the normal practice, the bell will ring two minutes prior to the conclusion of each member's speech.

### **LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) (AMENDMENT) BILL 1997**

**MR WHITECROSS** (Leader of the Opposition) (10.32): Mr Speaker, I ask for leave to present the Legislative Assembly (Members' Staff) (Amendment) Bill 1997.

Leave granted.

**MR WHITECROSS:** Mr Speaker, I present the Legislative Assembly (Members' Staff) (Amendment) Bill 1997.

Title read by Clerk.

**MR WHITECROSS:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the Legislative Assembly (Members' Staff) Act is one of the older Acts passed by this parliament. It was passed in 1989 to regulate the arrangements under which members' staff are employed by members of the Legislative Assembly. In brief, Mr Speaker, the Legislative Assembly (Members' Staff) Act gives to the Chief Minister the power to approve arrangements and to make determinations with respect to the employment of staff of members and also the conditions of their employment. There are certain matters which are specifically prescribed in the Act, but a lot of the provisions are left in the hands of the Chief Minister.

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As one of the older Acts of this parliament, the LA(MS) Act does not have the same provisions for scrutiny of decisions by the Executive as many subsequent Acts of parliament have. All members in this place will be aware of the extensive use that is made in legislation of the provisions for disallowable instruments under the Subordinate Laws Act. As an early Act of this Assembly, this particular Act is one of the ones which up until now have escaped the provision for reconsideration of decisions by the Executive by the members of this place.

Mr Speaker, the purpose of my Bill today is to rectify that anomaly and to ensure that in future instruments made under the LA(MS) Act will be disallowable instruments and will, therefore, become subject to scrutiny and ultimately the agreement of members of the Legislative Assembly. I think this is an appropriate thing in principle. Arrangements relating to the employment of members' staff should be bipartisan matters; they should be matters on which members can negotiate and agree. It has been the practice in the past. Mr Kaine, Ms Follett, Mrs Carnell and my respective predecessors on a number of occasions negotiated and discussed arrangements about the conditions of employment of staff under the Legislative Assembly (Members' Staff) Act.

Mr Speaker, I am sure you will be aware that in recent times a number of proposals have come forward about changes to the arrangements for employing members' staff. Many of the initiatives which have been taken by the Government in relation to this have been taken without any prior consultation with members of the Assembly. Many of the agendas have not been made clear to members on this side of the house at least, and, I think, members on the crossbenches as well.

Mr Speaker, we believe it is appropriate that, whatever arrangements and determinations are made by the Government in relation to these matters, they be subject to scrutiny by this place. We do not believe it is appropriate that the Legislative Assembly members' staff conditions of employment should be the subject of arbitrary change by one party without a proper process of consultation. We do not believe, Mr Speaker, that the powers conferred on the Chief Minister under the Legislative Assembly (Members' Staff) Act should be used in an arbitrary way to pursue vendettas against individual members of this place.

Mr Speaker, I urge members to support this Bill, which brings the LA(MS) Act into line with other Acts of parliament passed by the Assembly and will ensure that actions of the Executive are able to be scrutinised by the Assembly. In that sense it is a fairly simple and uncontroversial proposal which I hope will get the unanimous support of the Assembly.

Debate (on motion by **Mrs Carnell**) adjourned.

**ESTIMATES 1997-98 - SELECT COMMITTEE  
Appointment**

**MRS CARNELL** (Chief Minister and Treasurer) (10.38): I ask for leave to move a motion to appoint a Select Committee on Estimates 1997-98.

Leave granted.

**MRS CARNELL:** I move:

That:

- (1) a Select Committee on Estimates 1997-98 be appointed to examine the expenditure proposals contained in the Appropriation Bill 1997-98 and any revenue estimates proposed by the Government in the 1997 Budget;
- (2) the Committee be composed of:
  - (a) two Members to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) two Members to be nominated by either the Independent Members or the ACT Greens;to be notified in writing to the Speaker by 4.00 pm, Thursday, 10 April 1997;
- (3) the Committee report by 17 June 1997;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication;
- (5) the Committee is authorised to release copies of its report pursuant to embargo conditions and to persons to be determined by the Committee, prior to the Speaker or Deputy Speaker authorising its printing, circulation and publication;
- (6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

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Mr Speaker, the Government supports giving the Estimates Committee adequate time to consider the Appropriation Bill. It is in nobody's interest for the Government to attempt to pass a budget which the Assembly has not had adequate time to consider. It is the Government's view, however, that in this case, given that over four full non-sitting weeks are available to the committee for consideration of the budget, sufficient time is available for the estimates procedure.

Mr Speaker, as we are aware, this year the Estimates Committee will look at only the budget in at least the first approach that is taken. There will be some hearings later in the year that will look at such things as the end of year outcomes and the annual reports. When we have had late budgets, of course, the budget and end of year outcomes and annual reports have all been looked at in one go. This will revert to the process that occurred when the previous Chief Minister, Rosemary Follett, brought down an early budget and we had a two-stage process. The first was the traditional estimates process and the second approach looked at end of year outcomes and what had happened rather than what was likely to happen with the budget in the future.

I believe, taking into account that there is a two-stage process this year, that the four weeks involved will be appropriate. I do believe it is sensible to appoint the Select Committee on Estimates as early as possible, which is now, so that it can have adequate briefings on the format of the budget, all the sorts of things that it wants to know, shall we say, in the next three weeks between now and when the budget comes down. We believe that means that the Estimates Committee will be in a position to go straight into estimates hearings on the budget if it feels so inclined. We think that is an appropriate way to go. That is the reason, Mr Speaker, why we wanted to pass this motion as early in this week as possible - to give as much time as possible for the Estimates Committee to get on with the job of potentially asking for supplementary information, if that is what they are after, or making sure that various parts of the information are available. Mr Speaker, I commend the motion to the Assembly. I am confident that the Estimates Committee, as always, will do a great job.

**MR BERRY (10.41):** Mr Speaker, the Opposition will be supporting this motion in principle. However, I foreshadow an amendment which is on the printer as we speak. It has been hurriedly devised to give the following effects: To ensure that the annual reports for the financial year 1996-97 are considered by this Estimates Committee, and that the reporting date is extended in order that the committee can have a longer period than proposed by the Government for consideration of the estimates.

**Mrs Carnell:** The annual reports do not come down until the end of September.

**MR BERRY:** Indeed. Mr Speaker, at this stage it is proposed that the first paragraph of Mrs Carnell's motion be amended to include the words "and the annual and financial reports for the financial year 1996-97", and that paragraph (3) be amended by omitting "17 June 1997" and substituting "19 August 1997 in respect of the Appropriation Bill and by 27 October 1997 in respect of the annual and financial reports for the 1996-97 financial year".

**Mrs Carnell:** When can we pass the budget?

**MR BERRY:** Mrs Carnell interjects, "When can we pass the budget?". My understanding is that the Government is able to proceed until December on the basis of - - -

**Mrs Carnell:** What did we bring down an early budget for?

**Mr Humphries:** No; that is supply you are talking about, Wayne.

**Mrs Carnell:** You are talking about supply.

**Mr Humphries:** We can have supply until then, but we cannot put our measures into place until then.

**MR BERRY:** The budget can be dealt with in the sitting period a week after the reporting date which I have proposed in my amendment, and that is 19 August. In the following sitting week the Government can deal with its budget.

Mrs Carnell is involved here in a process to try to keep her budget under wraps and smothered by the Federal budget. There is no question about that. This is a public relations exercise to keep the tawdry document under wraps. What Labor is proposing is to ensure that there is proper scrutiny of the budget and that there is sufficient time to ensure that the community, as well as the relevant committee of this Assembly, can look at the budget in full. This provides an adequate period for consideration of a budget - not an open-and-shut case - as is being proposed by Mrs Carnell.

Mrs Carnell wants her budget out of the way quickly. She does not want people talking about it. We want to talk about it because we have a Territory that is in recession as a result of mismanagement of the Territory by Mrs Carnell. If she thinks that the Labor Opposition is going to go to sleep when her budget is being introduced just so that she can rush it through, it will not be so. We have never gone to sleep on budgets before and we are not going to start that sort of habit this year. I seek leave to move my two amendments together.

Leave granted.

**MR BERRY:** I move:

- (1) Paragraph (1), add "and the Annual and Financial Reports for the financial year 1996-97".
- (2) Paragraph (3), omit "17 June 1997", substitute "19 August 1997 in respect of the Appropriation Bill and by 27 October 1997 in respect of the Annual and Financial Reports for the 1996-97 financial year".

I commend them to the Assembly. They seek to improve the accountability of the Government, and I ask members for their support.

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**MR MOORE** (10.46): Mr Speaker, when I was approached by Mr Berry, through my office, about the appointment of the Select Committee on Estimates it was suggested that what we wanted was for the committee to look at the annual and financial reports for the financial year 1996-97, and I agree that that is the case. There has been some debate in this Assembly over a number of years as to whether that should be done with reference to early budgets, and whether that should be done by the Public Accounts Committee or the Estimates Committee. It is my view that it should be done by the Estimates Committee.

But there is another issue that is raised here, and that is the timing of the budget. On the issue of the timing of the budget, as far as I am concerned the Government is bringing down an early budget. I have argued for quite a number of years that the Government should bring down an early budget. I congratulated Rosemary Follett when she did it. At that time Mr Berry and Mr Wood were Ministers and I congratulated them for their role in getting that early budget down. I think the process worked far better. That budget was then dealt with without a Supply Bill. I considered that entirely appropriate and that is the process that I will continue to support now. I will not be able to support the amendment put by Mr Berry in its current form because of that part of it. My perception is that it does need some modification. It is a shame that, for a series of reasons, I had not had an opportunity to see the exact form of the amendment that Mr Berry has put up.

I do agree with him, however, that it is the Estimates Committee that should be looking at the annual and financial reports, rather than the Public Accounts Committee. My reasoning for that is that, whilst the Public Accounts Committee is perfectly capable of looking at that and inviting other members to join it in going through that process, there has been a culture within the Assembly that the Estimates Committee, in reviewing those, include far more members of the Assembly by invitation, by process, and so on. I think that is a worthwhile exercise. It is a specific task that we set aside a specific committee to do, and that in itself recognises the importance of the task.

Mr Speaker, I think it is appropriate that the Select Committee on Estimates be appointed, and that it have these two separate roles; but it must report on time by 17 June 1997, as far as the budget goes, in order to allow the budget to go through in time for us to have an early budget. That is my view. Then, the second part of the process is that it should handle the review of the annual and financial reports. Mr Speaker, I suggest that the best thing to do is to adjourn this for some time, so that we can sort out the amendments and make sure that we can do the two things that I think we are trying to achieve without the conflict that is inherent in the current amendments.

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



**LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1996**

Debate resumed from 25 February 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR CORBELL** (10.50): Issues surrounding the operation and the protection of our natural environment are naturally of extremely high concern in the Canberra community. There are specific ways of addressing the serious issues surrounding the management of pest plants and animals and the threat they pose to our natural environment, and we in this Assembly should act. Weeds and feral pests, feral animals, create extraordinary problems for our natural environment. They cost our community significantly in financial terms and in the deterioration they cause to our natural environment. Decisions which will make inroads into the problem of animal pests and weeds will be arrived at not purely by legislation alone but also by a strong community conviction that these are areas which require concerted and cooperative action. Addressing the control of pest plants and animals means more than just addressing the issue of rabbits as pests, which the existing legislation is limited to. It is important also to recognise that plants and other animals do pose threats to the environment and need to be addressed.

The proposals put forward by the Government in this Bill are to be welcomed generally because they do seek to address these serious concerns. The Labor Opposition will be supporting the amendments put forward by the Greens purely because they strengthen some of the weaknesses inherent in the Bill, particularly in regard to property management plans for rural leases. I think that is a welcome move, as it will ensure that rural leases will have stricter management than they currently have in regard to issues to do with pest plants and animals. Also to be welcomed is a requirement for a code of practice to deal with the control of a pest animal and to address issues relating to native animals. Increases in the penalties for people not complying with a code or an order relating to a pest animal or a pest plant are also quite important, as they increase the deterrent for people not complying with those codes.

The amendments flagged by the Greens are to be welcomed, as are the Government's moves in relation to the control of pest plants and animals in this Bill. We will be supporting the Greens' amendments purely because they deal with some loopholes. We share the concern of the Greens in relation to this Bill, but the Government also is to be congratulated on the efforts it has made to strengthen the Land (Planning and Environment) Act to deal with issues relating to pest plants and animals.

**MS HORODNY** (10.53): Mr Speaker, the Greens certainly agree with the intent of this Bill, which is to assist in the control of pest plants and animals in the ACT. Pest plants and animals are a major threat to natural ecosystems. Since it is we humans who have allowed the pest plants and animals to be released into inappropriate areas, it is up to us to deal with the problems that we have created. We also agree that the most desirable way of undertaking pest plant and animal control is through gaining the voluntary cooperation of the community, but it is also necessary to have legislative backup for cases where the cooperation is not forthcoming. We acknowledge that the existing legislation relating to noxious plants and rabbit destruction dates back to 1919, so it is clearly out of date and definitely needs to be reviewed.

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Where we depart from the Government, however, is in the detail of the Bill. It seems to us that the Bill has arisen out of a desire to reduce the volume of existing legislation and outdated legislation, rather than as a comprehensive attempt to deal with pest plant and animal control. On the surface, the Bill looks very straightforward; but there are some major issues involved in pest plant and animal control that are not addressed adequately by it. Indicative of this is the fact that the Government has undertaken very little consultation with stakeholder groups over this Bill. It was only at my prompting when the Bill was introduced in June of last year that the Minister acknowledged that he should consult with his own advisory committees - the Environment Advisory Committee, the Flora and Fauna Committee, the Animal Welfare Committee and the Kangaroo Advisory Committee. The Conservation Council and other environment groups were not advised that the Bill was going to be tabled. That is a problem. I understand that the consultation with the advisory committees has happened since, but only recently, and it has been only a very cursory look that they have been able to give this Bill.

What mostly concerns me about this Bill is that it has lumped pest plants and pest animals together under a common control regime. It does not recognise the inherent differences between pest plants and pest animals. The issues involved are clearly very different and the methods of control are totally unrelated. There are no welfare issues, obviously, around weed control, but there are health issues related to pesticide use. On the animal side, there are enormously controversial animal welfare issues in this regard, particularly when native animals such as kangaroos are regarded as pests in some areas, so the control methods used on particular pest animals also can have severe detrimental effects on other wildlife.

We are particularly concerned about how the Bill allows the Minister to declare an animal a pest without any of the controls that apply to the killing of animals under the Animal Welfare Act or, in the case of native animals, without the controls that apply under the Nature Conservation Act. Animal welfare aspects of pest animal control are quite significant. The principle behind the Animal Welfare Act is that all animals should be treated humanely and without cruelty. Pest animals may not be wanted, but that does not mean we should treat them cruelly. All animals deserve to be respected as fellow creatures on this earth and with recognition of the fact that they are living in a way that they are designed logically to live. Natural ecosystems do not have pests because within a natural ecosystem checks and balances occur that counter the effects of overpopulation. It is an inherent part of how ecological systems function.

It is we humans who declare particular animals to be pests because they do not fit into our way of controlling a particular environment, and that goes especially for agricultural systems. However, we should, and we must, take a closer look at our agricultural systems that are creating those ecological imbalances that allow pest plants and animals to thrive. Given these broader philosophical questions, we believe that the control of pest plants and animals should be dealt with by separate Bills, which would then give this Assembly the chance to properly consider the different issues involved.

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On the issue of pest plant control, I note that the draft ACT weeds strategy released in 1996 contained a number of recommendations to improve existing legislation relevant to weed control. An example is the changes to the Litter Act to cover the dumping of garden waste and giving increased power to the Conservator to manage the spread of weeds. However, these recommendations were not included in the final strategy released in September 1996. We believe that many of these recommendations have merit and should have been included in the Bill before the Assembly.

Given our reservations with this Bill, I will be proposing a range of amendments which I would like to describe in more detail when we get to that stage of the Bill. However, I would like to make a general point about the relevance of these amendments. Mr Speaker, I am having trouble hearing myself.

**MR SPEAKER:** Order! Ms Horodny has the floor. If you wish to debate matters, please use the lobbies.

**MS HORODNY:** Thank you, Mr Speaker. When we discussed with the Urban Services officials the amendments that we are proposing, they questioned why we were making them. They thought that some of them were unnecessary and some of them were outside the scope of this Bill. I disagree with this. I think the Minister did say in his presentation speech that the objective of this legislation is to assist the strategic control of pest plants and animals in the ACT. My amendments are designed to contribute to that same objective by spelling out very clearly, in the relevant pieces of legislation, what are the rules which govern the control of pest plants and animals.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.01), in reply: Mr Speaker, I thank members who have contributed to this debate. As members have heard, this is about tidying up outdated legislation, in large part. The repeal of a number of old pieces of legislation - particularly, the Rabbit Destruction Act of 1919 and the Noxious Weeds Act of 1921 - is appropriate, given the dramatic changes that have occurred, both in the treatment and care of our environment and in the attitudes of Australians towards those issues, in the period since that legislation was enacted. The Rabbit Destruction Act, for example, deals with fencing requirements to exclude rabbits and cost-sharing arrangements for fencing. Much of that is no longer relevant, not merely because of the calicivirus, and I think, Mr Speaker, it is appropriate that we move onto a more contemporary management regime for these sorts of issues.

Ms Horodny has made the point that there seems to have been late consultation on the amendments in this Bill. I have to say, Mr Speaker, that the Government was surprised to find the degree of interest by Ms Horodny in these amendments to the Land (Planning and Environment) Act. These were essentially amendments of what I would consider a minor and technical nature to the Land (Planning and Environment) Act to achieve the repeal of outdated legislation, effectively the standardisation of orders and other processes under the contemporary regime we have under the Land Act, and the making of some of those processes subject to disallowance on the floor of the Assembly, which is not a device present in the earlier legislation. There was no change of policy inherent in that. There was no direction which it seemed to me would be controversial in any respect to any of the parties that might potentially have been interested in this process.

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At Ms Horodny's urging, I have been in touch with those organisations that have an interest in animals and plants and that give advice to the Government. I might point out that, of those committees, most members of the Animal Welfare Advisory Committee indicated that they had no problems with the legislation. The only members who expressed reservations about the legislation, and even those were fairly minor ones, were members representing animal welfare groups on the AWA Committee. The rest of the committee expressed no concern about the legislation. The Environment Advisory Committee supported the Bill without comment or qualification, and the Flora and Fauna Committee also supported the thrust of the Bill, although they made the point that it would be nice to have them consulted on individual declarations of pest plants or animals because of the expertise on that committee about individual pest plants and animals. That is a reasonable point of view and I think it would probably occur without needing to be built into legislation; but, if it is the wish of the Assembly to do that, I have no particular problem.

Mr Speaker, the Conservation Council wrote to me just yesterday saying that they are disappointed that there has not been consultation on this Bill. There has been, I gather, a change of director of the Conservation Council and that may explain why the present director is not aware of the consultation that occurred with the former director. My office has had a number of lengthy discussions with the former director of the Conservation Council about this legislation, so the suggestion that there has not been discussion about it with the peak conservation group in the Territory is simply not true.

I can certainly support some of the amendments Ms Horodny has put forward. I think they are acceptable. I think in some cases they are actually superfluous, but I do not have a strong objection to them and I intend to support them. There are other amendments which I would argue are not appropriate at this time. I would hope that the Opposition, in the absence of hearing from the Government, has not formed any firm view about what it should do with those amendments, which are quite significant to the operation of property agreements in rural areas of the Territory for issuing of rural leases and quite significant for the regime for declaring pest animals and plants.

In particular, I point out that the requirement to develop a code of practice under the Animal Welfare Act to be in place before a declaration of a pest animal can be made may sound to be a sensible provision but it has the effect of potentially extensively delaying a declaration about a pest animal for quite some time while a code of practice is being developed. Mr Wood, who I think originally introduced the animal welfare legislation in the Territory, would recall that codes of practice are processes which take quite some time to develop. It takes usually in the order of a year to get them right.

**Mr Wood:** You lot did not recognise that at the time.

**MR HUMPHRIES:** On the contrary, we were not keen on those codes at all to some extent, but we recognise that when they had to be developed they took some time to develop. If you have a pest animal or possibly even a pest plant which turns up quite suddenly in the Territory, you do not want to wait a year before you are able to declare it as a pest plant or pest animal. I know there has recently been a reappearance - admittedly, it is a reappearance rather than an appearance for the first time - of what

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I think is called the Argentine ant. That is a potentially very invasive pest insect and we would not necessarily wish to have to wait an extensive period of time while codes of practice were developed before moving to make a declaration. That is the effect of Ms Horodny's amendment No. 2, I believe.

I would urge members to be cautious about these amendments and not to form views about them until they have heard the full debate. I commend the Bill as a whole to the Assembly, but ask members to be careful about the concerns that are being expressed in these amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Clause 1 agreed to.

Clause 2

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.08): Mr Speaker, I circulated the Government's amendments on a previous occasion. I assume they have been circulated again today. I move amendment No. 1 circulated in my name, which reads as follows:

Page 2, lines 1 to 6, subclauses (2) and (3), omit the subclauses, substitute the following subclause:

“(2) The remaining provisions commence immediately after section 77 of the *Land (Planning and Environment) (Amendment) Act (No. 3) 1996* commences.”.

I present the supplementary explanatory memorandum.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.10): I ask for leave to move together amendments Nos 2 and 3 circulated in my name.

Leave granted.

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**MR HUMPHRIES:** I move:

Page 2, line 15, proposed definition of “pest animal”, omit “254A(1)”, substitute “254(1)”.

Page 2, line 17, proposed definition of “pest plant”, omit “254A(1)”, substitute “254(1)”.

I do not wish to speak to them, Mr Speaker.

Amendments agreed to.

Clause, as amended, agreed to.

Proposed new clauses 4A, 4B and 4C

**MS HORODNY (11.10):** I move amendment No. 1 circulated in my name, which seeks to insert new clauses 4A, 4B and 4C. It reads as follows:

Page 2, line 17, after clause 4, insert the following new clauses:

**“Granting of leases**

**4A.** Section 161 of the Principal Act is amended by inserting after subsection (4) the following subsections:

‘(4A) The Executive shall not grant a lease under this section for land to be used wholly or partly for rural purposes unless the lease includes a property management plan agreed to by the Conservator compliance with which is a condition of the lease.

‘(4B) A property management plan in relation to a lease shall include a statement of any action necessary to be performed by the lessee -

- (a) to protect and conserve native plants and animals on the land comprising the lease;
- (b) to minimise the impact of any activity on that land on soil and water quality; and
- (c) to control the propagation of pest animals or pest plants on that land.

## Interpretation

**4B.** Section 222 of the Principal Act is amended by inserting after paragraph (j) of the definition of ‘development’ in subsection (1) the following paragraph:

‘(k) a transfer or variation of a lease of land to be used wholly or partly for rural purposes;’.

## Approvals

**4C.** Section 230 of the Principal Act is amended -

- (a) by omitting from subsection (1) ‘The’ and substituting ‘Subject to subsection (6), the’; and
- (b) by adding at the end the following subsections:

‘(6) The relevant authority shall not approve an application to undertake a development of a kind referred to in paragraph (k) of the definition of ‘development’ in subsection 222(1) unless there is in force in relation to the lease a property management plan agreed to by the Conservator compliance with which is a condition of the lease.

‘(7) A property management plan referred to in subsection (6) shall include a statement of any action necessary to be performed by the lessee -

- (a) to protect and conserve native plants and animals on the land comprising the lease;
- (b) to minimise the impact of any activity on that land on soil and water quality; and
- (c) to control the propagation of pest animals or pest plants on that land.’ ”.

This amendment legislates the Government’s current policy requiring property management agreements for rural leases. A new subsection of section 161 of the Land Act requires that the Government cannot grant a new rural lease unless it includes a property management plan. Amendments to sections 222 and 230 of the Land Act make it a requirement that rural leases cannot be transferred or varied unless there is a property management plan in place for that lease.

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While it is already Government policy that rural leases should have property management plans, it concerns me that this process is happening very slowly and could easily be overturned if the Government decides to change its policy. I was told only recently by officials that, of the 200 or so rural leases in the ACT, only 12 have property management plans, and that most of the leases will not have to have these plans until the year 2005, when most of the leases reach the end of their term and will have to be renewed. I think this timescale is far too slow. By putting the Government's policy into legislation there will be greater impetus to get these property management plans into place.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.13): Mr Speaker, I support the thrust of what the Greens are trying to do with this amendment, that is, to put more emphasis on the use of property management agreements. I think it was this Government that originally proposed property management agreements in respect of rural leases. Certainly, we have been very keen to pursue the concept of having agreements in place to protect and enhance the practices used by rural leaseholders in terms of - - -

**Mr Moore:** I think it came out of our report on rural leases, actually.

**MR HUMPHRIES:** Yes, indeed. I am reminded by Mr Moore that it emerged from a report of the old Conservation, Heritage and Environment Committee that there be those agreements which would strengthen the policies in place in respect of individual blocks of land that went beyond the policies applying to the whole Territory, and that has been an important part of the process. The concern I have about this is that at a fairly pivotal point in the review of the way in which rural leases are operating in the Territory we have a requirement being imposed in the Land Act in the course of an amending Bill which is really not about this at all. This is really another matter altogether.

It is proposed that there be property management agreements in place under a procedure outlined in this amendment as a precondition for the granting of rural leases. Mr Speaker, rural leases are not granted on an everyday basis; they are granted reasonably regularly throughout the year. The Government has announced that it is looking at the way in which rural leases operate in the Territory. We presently have a task force working on the question of how we can restructure the rural leasehold system to provide, most importantly, for enough security of tenure by rural lessees to ensure that their approach towards conservation issues on their land and the preservation and the value of their land is a long-term consideration, not a matter of, "How do I get over the period of the next 15 years until my lease expires?". I think all in the Assembly, but particularly members of the Conservation, Heritage and Environment Committee that looked at this issue a few years ago, realise that one of the great contributing factors towards a lack of effort in the area of care for the environment by rural lessees was the fairly short nature of the leases that were being granted by the Government; but extending leases holds a whole series of problems, and that is why the task force we have appointed is looking at these issues at this very time.



Mr Speaker, I think it is dangerous to pre-empt the results of that process by deciding that property management agreements must be a condition of the issue of leases. There is a practical problem, even if that is not considered to be an appropriate long-term policy, in that there would be a large number of leases which would be proposed to be issued in the next few months and which simply cannot be issued because property management agreements are not in place.

If Ms Horodny would like us to go through the formality of having a property management agreement for the sake of being able to issue a lease to someone who is waiting to get a lease over the land, if, say, a property is being transferred from one person to another and they need to get an urgent grant of a lease, then fine; we can rush through property management agreements which fulfil the legal requirement but do not actually address the issues in respect of that property in any particularly detailed way. But I do not want to do that. I want to deal with this issue adequately and properly and ensure that the PMAs are really about getting to the nub of what the key issues are on that particular property. It is about an individual assessment of what the key issues are on that particular property. On some properties it will be about pest plants. On others it will be about particular feral animals. On others it will be about erosion problems. On others it will be about reversing the effect of the use of chemicals over a period of years. There will be all sorts of different issues.

Those are issues which I acknowledge have taken a long time to work through, and I would urge members not to be pre-empting that process by building this provision in here. It really does not belong in this Bill in any case. This is about declaring pest animals and plants. It is a technical thing which simply translates what we have done before into updated legislation, and I would argue that we ought not to be doing this at this point. I am certainly happy to come back to these amendments when we have the report of the rural leases task force and see whether it is appropriate to build that in at that stage under these mechanisms. My advice is that some of this may run counter to the work being done on that process, and I would say it is not appropriate to do it out of the context of that particular review.

**MS HORODNY (11.18):** Mr Speaker, Mr Humphries is suggesting that we cannot put any property management agreements into place until the rural task force has completed its report. One of the arguments that I have been putting forward since that rural task force has been established is that it has a very limited brief. I believe that that task force should be looking at these very issues of conservation and land management. You cannot look at the whole issue of leases in isolation from the agreements and the conservation issues that are so integral to the whole leasing arrangement. One of the reasons why I thought the rural task force was set up was to look at the interrelationship between the length of the leases or the financial implications and how that impacts on the management of the rural properties, particularly in terms of the conservation issues.

I think it is unfortunate that the two processes have been occurring in parallel, but there does not seem to be any crossover between the work that the rural task force is doing and this sort of legislation that we are looking at today. They seem to be occurring in isolation from each other, and I think that is a real problem. I would urge members

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to support this amendment because I believe it is the beginning of trying to integrate what we need to be doing with property management agreements and the conservation and land management issues involved there with the very work of looking at leases, the financial and economic implications of leases, and how that task force is looking at those issues. I think it is important to integrate them.

**MR CORBELL** (11.20): Mr Speaker, the Government has raised some concerns about the Greens' amendments which I previously was not aware of. I think it would be useful if all parties concerned had an opportunity to discuss that further. I move:

That the debate be adjourned until a later hour this day.

Question resolved in the affirmative.

### **CANBERRA TOURISM AND EVENTS CORPORATION BILL 1996**

Debate resumed from 5 December 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

**MR CORBELL** (11.21): Mr Speaker, this Bill, the Canberra Tourism and Events Corporation Bill, is not what it seems. The Government claims that this Bill will create an authority of the Government, and they are calling it a corporation, saying that it has to operate like a company; it is going to bring the tourism industry more into line with the private sector. In reality, this Bill does nothing of the sort. In reality, this Bill is window-dressing for a government which is failing to address the needs of tourism in Canberra. The Canberra Tourism and Events Corporation Bill does not create a corporation like ACTEW or Totalcare; it creates a statutory authority, still with a line item in the budget and still requiring the Minister to direct overall the operations of the corporation. So, it is not a corporation.

Certainly, it is welcomed fairly widely across the industry because of a belief that it will create a greater private sector emphasis for Canberra Tourism. But the reality, I am afraid, is quite different. The reality is that the corporation Bill does not empower Canberra Tourism to do anything extra to what it currently does. The Minister has outlined that the Bill allows Canberra Tourism to enter into joint ventures with private sector operators to promote Canberra. The reality is that Canberra Tourism can do that now. Canberra Tourism now can enter into joint ventures with private sector operators, with the approval of the Minister. If you examine the Bill, you will find that the Bill says exactly the same thing. It reiterates what is already the case. This Bill also allows for the creation of a board, which will, apparently, direct the operations of the corporation; but all the decisions of the board must be approved by the Minister. The Minister has the final say on what Canberra Tourism does and does not do. That is exactly the same situation as exists now.

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To the extent that this Bill gives greater confidence to the tourism industry in Canberra, it is to be welcomed, because if there is one thing that the tourism industry in Canberra needs at the moment it is confidence. It needs confidence in its ability to promote our city as the national capital and as an attractive destination for visitors. But I am afraid that that is really all this Bill does. The Bill will create a corporation which will still be a line item in the budget; it will still be receiving direct funding from the budget; it will still be requiring the Minister to approve all the decisions made by the corporation's board; and it will be entering into joint ventures, which it can enter into now.

I guess, in summary, that what this Bill achieves is some window-dressing for the Carnell Government. It achieves window-dressing in that it is able to go to the industry and say, "Look at what we are doing for the tourism sector". I think most operators in the tourism sector, if they were really honest with themselves, would say - and I am sure that most people in this Assembly would agree - that what is really needed in Canberra is better promotion and better marketing of our city. I go and talk to operators in the tourism sector around town, and I say, "How is business going?". They tell me, "There are just not enough visitors coming through the door. There are just not enough people coming to Canberra". This corporation Bill does not resolve that problem at all. What will resolve that problem is a far stronger and definite commitment from the Government for the funding of the promotion and marketing of Canberra interstate and overseas.

At the moment, this Government spends just over \$2m on marketing and promotion, out of a total budget of just over \$5m. The Commonwealth Grants Commission recommends that the ACT, on standardised expenditure, spend \$7½m for the support of the tourism industry and tourism-related activities in Canberra. We spend less than what is recommended by the Commonwealth Grants Commission, which is not a particularly generous body when it comes to giving out money or recommending what should be spent. In comparison with other States and Territories, we perform poorly. In fact, we are at the bottom of the list. Let us look at Tasmania. Tasmania spends, I think, \$18m or \$19m a year on its tourism body and it spends a significant amount of that on marketing. The success is measured when you look at how popular Tasmania is as a tourism destination. It is a State with only a slightly larger population than the ACT and, you would then guess, only a slightly larger revenue raising capacity than the ACT.

**Mr Humphries:** So, where do we get the money to spend extra on tourism?

**MR CORBELL:** Mr Humphries suggests that we have to deal with the issue of where the money comes from.

**Mr Wood:** You have to spend it to get it.

**MR CORBELL:** There are opportunities for looking at where you get the money from. It requires a joint effort between the industry and the Government. But it means getting your priorities right, and this Government is not getting its priorities right when it comes to expenditure.

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Let us look at the Northern Territory. The Northern Territory spends \$24m on tourism promotion and marketing. The Commonwealth Grants Commission recommended that the Northern Territory spend \$7m. They have obviously made a very strategic decision that tourism is a vital sector for their economy and that, as a result, they are going to spend the money to attract the money, as my colleague says; spend the money to attract the visitors. They are being successful in doing that. But, instead, what we get from this Government is a Tourism and Events Corporation which does all the same things that Canberra Tourism does now; which will still require the Minister to approve everything, as he does now; and which will allow joint ventures, as Canberra Tourism can do now. It is window-dressing. That is all it is.

There are some specific amendments that are to be moved to this Bill, and those amendments are to be welcomed. I understand that the Government is happy to accept amendments dealing with ecological sustainability. I think that is an appropriate amendment when we focus on Canberra as the bush capital and on the high environmental consciousness of its residents. There are also amendments to deal with joint ventures. I am not quite sure where the Government is at with joint ventures; but certainly I feel that it is important that this Assembly should be made aware of any liability entered into which ultimately will need to be backed up by the ACT Government. I know that the Government was proposing a threshold of \$500,000.

My understanding from Canberra Tourism is that it could enter into a wide range of joint ventures, each of maybe \$5,000, \$10,000, \$20,000 or \$50,000. On their own, they are not much; but when they accumulate, which is my understanding of what Canberra Tourism wants to do - it wants to have a very wide range of small joint ventures - the liability borne by the ACT Government ultimately will be quite large. For that reason, I think it is important that we see amendments in this Bill that enable the Assembly to be aware of exactly what liabilities are being entered into by the Government on behalf of the Assembly. I think it is important that this Assembly knows what plans the Canberra Tourism Corporation has for business plans in the coming year and also for amendments. I understand that the Government has proposed another amendment to that, which will deal with the issue of when these are advised to the Assembly. That seems to be a sensible approach.

Overall, Mr Speaker, the Labor Opposition will support this Bill because it will help give confidence to the industry in Canberra; but, on its own, it does not address the issue of promotion and marketing. I know that the Minister will get up in a moment and say that he has already made the offer about funding to the industry - a dollar for dollar contribution to tourism promotion in Canberra, up to \$1m. Quite frankly, that is an absurd proposal. What happens if specific players in the tourism sector decide that they will contribute some money which the Government will match and other sectors do not? Who gets the benefits of that money? Will it be the people who donated it, the people who contributed? They are obviously going to expect some benefit. The Government needs to seriously address the whole issue of tourism promotion and marketing in this city.

Smaller operators are facing hard times. They are not seeing the visitors come through the door. They are seeing their profits go down. I have an example of a business in Ginninderra Village. They took \$120 for all of the Canberra Day long weekend. It is not worth their staying open. They rely solely on tourist trade. A couple of years ago, they were going well. In the past year, they have been struggling. So, I think, if the Government is going to get serious about tourism in Canberra, the issue it needs to address is promotion and marketing. But, to the extent that this Bill does give confidence to the tourism sector, we will support it.

**MR HIRD** (11.32): My, how we do forget! I know that Mr Corbell is the new chum in the chamber, but what were they doing for the last five years? Mr Corbell, nothing was what you were doing - absolutely nothing. Mr Speaker, the call for a tourism corporation or authority started when I was the deputy chairman of the Advisory Board on Tourism, as you will recall, from 1974 through to 1979. That call has fallen on deaf ears ever since. The tourist industry itself called for an authority. For five years the Follett Government sat on its hands and did absolutely nothing. Mr Corbell comes in now, riding his white charger, and says, "This is what the Government is doing". You cannot change things overnight. Your party has something to answer for, because you sat on your hands and did nothing for those five years. Admit it; you did nothing.

Tourism is a multimillion dollar industry in the ACT. It not only affects the ACT, but also affects the surrounding region. In 1995-96 tourists directly poured more than \$300m into the ACT economy and the region. I would ask Mr Corbell, on that note: How much did the Follett Government put into tourism during its five years? It was less than the \$2m that is going in at the moment; but I am sure that the Minister will enlighten us on that matter at the appropriate time.

The Federal Bureau of Tourism Research estimates that 10,000 full-time and part-time jobs are created in the ACT, principally in the restaurant, club, hotel, entertainment, health and transport sectors. The majority of these positions are filled by young people from within the region of the ACT. Any organisation that makes such a substantial contribution to this Territory and the local economy should have the autonomy to determine the way it operates, the way it develops - - -

**Mr Berry:** Stick to the speech.

**MR HIRD:** Do not talk, Mr Berry. You were part of the Follett Government. You sat on your hands. As a matter of fact, you were a Minister, and you could have made a significant contribution during that time, instead of pushing another barrow, which cost us quite a lot of money, which could have been better spent on the tourism industry within the Territory.

Any organisation that makes such a substantial contribution to this Territory's economy should have autonomy. It is essential that the Government provide as much support as possible to an industry that has the potential employment and economic impact that tourism has, not only on the ACT, Mr Speaker, but on the region. The Bill before the house is the means of providing that support. For every 170 international and domestic visitors to the Territory, one full-time or part-time job is created. This in itself is reason

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enough to consider this Bill and look at the growth initiative that this Government is trying to introduce. The creation of the Canberra Tourism and Events Corporation will allow the organisation to get on with its business of promoting the Territory to domestic and international travellers and encouraging them to increase their visitations, spending and lengths of stay.

The Bill provides for the corporation to establish and operate events and festivals. A central unit within the corporation will provide one-stop shopping, Mr Speaker, for existing and potential events to be capitalised on. This is a service which has been sadly lacking, in particular during the term of the Follett Government. Events and festivals are key creators of visitation and economic impact for not only the ACT, Mr Speaker, but the region. The ACT will benefit greatly from centralising and rationalising the management, marketing and administration of key events such as Floriade and the Rally of Canberra within the corporation and by adding an event "prospecting" role, to secure new events and to increase some of the events within the ACT such as the Royal Canberra Show.

With corporatisation will come a greater focus on events management, with emphasis on maximising and utilising the existing expertise and resources of the various events organisations that will come under the corporation's umbrella. It is a significant step in maximising the social and economic benefits of tourism and events to the Territory. In particular, the industry has been striving since 1974 to gain this undertaking from a government.

The corporation's principal function will be to market the Territory to interstate and international travellers and, by doing so, to assist businesses that have the potential to benefit from tourism to boost their returns - a key element in job creation.

**Mr Corbell:** It is what they already do now, Harold. What is new about the Bill?

**MR HIRD:** Mr Corbell, can I just ask you, sir: What would you do? You had five years. What would you do?

**Mr Corbell:** I was not here five years ago.

**MR HIRD:** What did you do during those five years? Zilch, nothing.

**Mr Corbell:** This Bill changes nothing.

**MR HIRD:** So, what would you do? Come up with answers. We put our money where our mouth is. At least we know that the industry needs support, Mr Speaker. This is a Bill which should receive the total support of all members of this chamber. I commend the legislation, and I commend the Government for the initiative.

**MS TUCKER (11.39):** Mr Speaker, tourism is a very big industry in the ACT, and both Labor and Liberal are keen to promote tourism as a vehicle for economic expansion in the ACT. It does indeed create many jobs in the ACT, and it injects a substantial amount of money into the local economy. The Greens are not against economic growth or economic activity per se; but we firmly believe that tourism, like any other industry, must work

within limitations imposed by our natural environment. We cannot afford to take and not give back. With over 1.5 million visitors to the ACT each year, careful environmental management is essential. The negative environmental impacts of tourism include water, noise, air and visual pollution - for example, the futsal stadium - waste disposal problems, ecological disruption and land use problems. The extensive travel that is often associated with tourism opens up another whole debate as well, of course; but I will not go into that today.

The Government, supported by industry, has put forward this Bill to create a Canberra tourism and events statutory corporation as a mechanism for increasing the flexibility of the industry and enhancing the delivery of tourism marketing services. The Greens do not see why this legislation is particularly necessary or desirable. I note what Simon Corbell said, and I would agree with a lot of the sentiments he expressed. However, as the legislation is going to be passed, it is important that our amendments are supported, because they will actually enshrine in legislation consideration for the environment in tourism management and will also, of course, bring greater accountability into this Bill. I am glad to have the support of other members for those amendments.

As the past Minister for Tourism stated in his presentation speech for this Bill, the powers of the statutory authority are limited by the statutory provisions in this Bill. These limitations relate to the employment powers of the Public Sector Management Act, the provisions of the Financial Management Act and the requirement to have a detailed business plan. Giving more flexibility to the Tourism Corporation could, in our opinion, lead to less accountability for environmental protection. We were particularly concerned to see that no mention has been made of the need for the corporation to incorporate issues of environmental sustainability into the business planning, marketing and provision of advice to the industry. We have already seen tourism events being given a priority of use in some environmentally sensitive areas in the ACT. This should not be happening and must not happen in the future.

Obviously, the Greens are concerned to ensure that tourism activities do not damage our natural environment. Nature-based tourism does offer some potential for expanding tourism in the ACT if it is very carefully planned. The Tasmanian Greens have demonstrated to Australia what benefits can flow from careful preservation of natural environments rather than destroying them. The Government has recently released a report on a nature-based tourism strategy in the ACT, titled *Promoting the Natural Capital*. It is pleasing that the Government is recognising the need for management of tourism in natural areas. This document does have some flaws. For example, a strategy for nature-based tourism must be closely linked to a management plan for Canberra Nature Park, the Murrumbidgee Corridor or the existing Namadgi management plan. Another important issue is that of making sure that planning for nature-based tourism is site specific. There will be quite different environmental issues to be taken into account within a reserve or nature conservation area. For example, Ginini Flats is much more sensitive than the outer edges of Namadgi National Park.

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“Ecotourism” has become quite a buzz word over the past few years. In the report I referred to earlier, *Promoting the Natural Capital*, ecotourism is defined in this way:

... nature-based tourism that involves education and interpretation of the natural environment and is managed to be ecologically sustainable, [which] recognises that “natural environment” includes cultural components and that “ecologically sustainable” involves an appropriate return to the local community and long-term conservation of the resource.

Many people are going around touting themselves as ecotourism operators without necessarily fulfilling the requirements. It is not about setting up glorified fun parks or fancy resorts in natural areas where the environment merely becomes a backdrop to the tourism activity. That is why proper accreditation and assessment is so necessary, and this is something that is also not addressed in the strategy. We also believe that, although there has been a lot of focus on ecotourism, the debate about improving the environmental performance, and possibly accreditation also, needs to be much broader than this.

We have already had discussions in the community and with people who work in the area about how this accreditation process could be developed. There have been a number of suggestions for how operators should work, including a code of conduct or code of practice and a licensing scheme, with the licence being cancelled if they did not respect the principles. There could also be a requirement that operators demonstrate their knowledge of what is seen to be appropriate environmental best practice for the area in which they work and that they demonstrate a commitment to training their employees to ensure that they do their work in an appropriate way. They would also have to show in their work that they understand the implications of our cultural heritage.

While protection of the natural environment is of paramount importance, it is not just areas of natural significance that can be impacted on through tourism activities. All tourism activity must incorporate the principles of environmental sustainability. At an overall planning level, we want the business plans to provide detail on how environmentally sustainable development of the industry will be assured. This detail must also flow down to the level of the individual operator or activity or event.

Mr Speaker, as tourists are becoming more environmentally aware, this can only benefit the industry, particularly if a promotional label that is linked to a careful accreditation system is available. As we have often highlighted in other areas, there will also be economic benefits that flow from implementing environmental management programs. For example, a study prepared for the New South Wales branch of the Australian Hotels Association found that significant financial savings in the order of \$57,000 for a 250-bed hotel would flow from the implementation of energy saving in environmental practices.

Obviously, training and information are necessary for the tourism industry, and that is why we are moving an amendment calling for an additional function to this effect. The new corporation will have to ensure that scientific and community environmental expertise is readily available to the corporation, as well as on the board. A process for ensuring proper accreditation also needs to be developed involving relevant groups.



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As the definition of “ecotourism” says, a definition of “ecologically sustainable” also involves an appropriate return to the local community and long-term conservation of the resource. What mechanisms we should put in place for ensuring that industry does contribute, not only to the promotion of tourism and infrastructure costs but also to the maintenance of the environmental resources upon which it depends, is an issue that requires careful consideration.

The other area that is of concern about this Bill, and is obviously related, is the need for proper accountability to the Assembly and the public for the activities and plans of the corporation. This legislation as it stands has no mechanism by which the Assembly would be informed about the contents of business plans or the commercial activities of the corporation. I will be moving an amendment that, if passed, will require the Minister to table in the Assembly within 15 sitting days a statement detailing particulars of any commercial ventures. We will also be calling for the business plans to be tabled in the Assembly within three sitting days and quarterly reports within six. Although this is not in the legislation, I would like to put forward the idea that the relevant Assembly committees - certainly Economic Development and Tourism and perhaps also Planning and Environment - should be forwarded a copy of the business plan for their consideration. It may also be appropriate for the Minister to consult with the committee or committees in the development stage.

Although this legislation does not create a Territory-owned corporation, we have seen in the case of Totalcare and ACTEW that the Government does wipe its hands of any responsibility for the activity of these organisations. I hope this is not the case with this corporation. In regard to the amendments Mr Kaine and I are proposing, we have discussed these matters already and are in agreement on most of them. Mr Kaine will be proposing some of them. We may have to think in the future of other provisions to ensure greater accountability and to ensure that environmental protection is taken very seriously.

**MR WOOD** (11.49): Mr Speaker, I think it is fair to say that over most of Canberra’s history, governments, or the bureaucracies that previously ran Canberra, took it fairly easy in respect of the approach to tourism promotion. It was easy to rely on our major institutions - the ones that are so obvious - and on the need for many people to come to Canberra for business or political purposes, and tourists came to Canberra in good numbers. Since self-government, the focus on tourism has changed and intensified as we recognise the direct benefit that tourism brings to the Territory and the need to compete with other parts of Australia. There is now a new imperative, namely, that Canberra is in recession, so we need to do more to lift our efforts in a whole range of areas that will bring rather immediate and direct benefit to the Territory.

There are few areas that bring a better return for money spent on promotion than tourism. That is widely recognised; we do not need to trot out the statistics and the surveys that reveal that. So it is imperative that the Government take extra measures to increase the flow of tourists into Canberra. If this body does that, well and good. Mr Corbell has said that, and the Labor Party is supporting the Bill. But there is one thing over and above anything else that will bring tourists to Canberra, as Mr Corbell said, and that is expenditure on promotion. We simply are not doing enough.

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Shortly, the ACT Chief Minister will bring down the budget, and I would expect, if she wants to do something about the recession we are in, that there will be a whole range of measures to encourage expenditure in the ACT. One of those measures has to be more money for promotion of tourism. I was disappointed in the last budget, for example, that part of this wonderful thrust the Government claims was expenditure on capital works for the new Tourist Information Centre. That is no doubt very good, but we have to do something to get the tourists to drive down Northbourne Avenue before they can utilise that facility.

I want to pay credit to Canberra Tourism. I think they have done an excellent job. They have tarted up our image very nicely. They have removed, for example, the old staid logo and have a new logo that I think will influence people. As part of the work Canberra Tourism has done, they have produced some very good advertisements - print and television. I have seen them, I respect them, and the research was pretty thorough. I believe they would help to bring tourists to Canberra, but they simply have not been promoted enough. We should have those advertisements beamed into Sydney, the South Coast, the North Coast and central New South Wales. The major areas from which people come to Canberra should be seeing as much of our advertising as they see of Tasmania, the Hunter region, the Gippsland region or the Northern Territory, and it simply does not happen. The Government has not provided the money to back up that very good material. I make a plea ahead of the budget: I hope it is not all locked up. There must be money there to promote what is good in Canberra. We have the material to do that promotion. Let us put the resources into it to encourage those people to come into Canberra as one step to help us out of this recession.

**MR MOORE** (11.53): Mr Speaker, this is very interesting legislation for me. I have been very much of two minds as to whether to support it or not. On the issues that were raised by Mr Corbell - Is it necessary, and do we not have in place the systems that allow these actions to take place? - I had briefings from officers of Mr Kaine's department just after he became Minister, and I appreciated those. I suppose, in the end, my support for the legislation comes back to the approach I have taken that, if the Government is keen to do something and I have not found a very good reason to prevent them or to act to the contrary, it has been my practice to support the Government, and that is what I will be doing in this case.

I have looked at the amendments put up by Ms Tucker, and I consider those to be very sensible. The modifications by Mr Kaine are acceptable to me. However, let me say that the whole issue of tourism is one that does require much more effort to ensure not just that we get many more tourists but also that we are very careful in terms of the style of tourism we want for Canberra and how it can enhance not only people's understanding of the role of Canberra and why Canberra is here but also our economy. The two should be running hand in hand. I hope the legislation will provide a boost for tourism and give the people who are involved in this corporation a sense of corporate identity and the people who are involved in tourism throughout the Territory a sense that they are going to move ahead. If it provides that and if Mr Kaine, as the new Minister in this area, can give a sense of something fresh and vital, then we should see an improvement.

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I had suggested that it would be appropriate, in section 2 of the Schedule to the legislation, "Appointment and terms of office", to add that this should be done in accordance with the Statutory Appointments Act 1994. Mr Kaine's office assures me, and his staff have assured me, that the legislation comes under the Statutory Appointments Act and therefore it is not necessary to put in an amendment to clarify that. I have accepted that at this point; but, along with other members, I will be monitoring how often the Statutory Appointments Act has been breached.

I know that it has been breached on a number of occasions. Perhaps that is because such things do not appear in the various Acts, so in fact there is not a reminder in the Acts that these appointments are made by statutory appointment. However, rather than doing it in just this one Act, it may be more appropriate for us to go back and ask the Government to do a review of all the Acts and at one hit put into each of the Acts that such appointments must be made in accordance with the Statutory Appointments Act 1994. I accept that such appointments will be made accordingly, so I will not be moving that amendment; but it might be worth while flagging that a review of that area is possible in the foreseeable future.

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (11.58): Mr Speaker, I must say that I am encouraged by the general support this legislation has been given today. I know that there are reservations in some connections, and I will come to those in a moment. I believe that we have an important piece of legislation that recognises the changed approach that has become necessary and to which Mr Wood has referred. The old ways of encouraging people to come to Canberra and managing this business of tourism from the Government viewpoint have been fairly successful, but there is a need to beef up that performance. It is one of the few industries we have, and we have reached the stage where we have to take a different approach to ensure the success of our tourism operations in the future. This is by no means the sole solution to the problem. Mr Corbell says that this will not fix it; I agree with him. It will not of itself fix anything; but it is another piece that is being put into place to change the way we approach the business of tourism and, hopefully, to get some beneficial results in the future.

I believe that the Bill, when passed, as I expect it will be today, given the expressions of support so far, will play a significant role in ensuring that the Capital Territory is enhanced as an important tourist destination for interstate and international travellers. With a corporation operating in a more commercial framework than is currently possible and as an identifiable and marketable entity, the intention is to attract greater private sector investment in the marketing of the ACT. Up until now it has been accepted, I think, that it is the Government's responsibility to finance the marketing of Canberra. I think that can be argued, because at the end of the day it is not the Government that benefits.

There is no direct tax that comes to the Government because the number of tourists coming into Canberra increases; there are indirect benefits that flow in many ways. There is no direct benefit to the Government when there is a quantum increase in the number of tourists that come to Canberra; but there is a quantum increase in the inputs into the business community out there, and not only those directly involved with the

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tourism and hospitality industry. There are two or three tiers of industry behind that, many small businesses which support the tourism industry and the hospitality industry, all of whom derive a benefit when there is a quantum leap in the number of tourists that come to Canberra.

Mr Corbell asked how we are going to get the money from the private sector and who is going to benefit. The answer is that we have to change our approach. We have to encourage more people in the private sector, who, in fact, are beneficiaries of the tourism industry today but so far have made no contribution. One of the functions of the Tourism Corporation will be to go out there and find additional sources of funding, because it is those people who benefit directly at the end of the day.

A key focus of any marketing for Canberra has to be our natural environment, and I welcome comments by Assembly members that our natural environment must be a focus of the new corporation. I totally agree. The Government has only recently issued its strategy for nature-based tourism, for example, which the corporation will pursue with our parks and conservation managers. There is a resource out there that has not been particularly well exploited in the past, and it can be, provided the proper management arrangements are in place first and provided the proper infrastructure is put in place to prevent that environment from being damaged by an influx of tourists. So it is both an exploitable resource and a constraint, if you like, on what we can do, and we have to balance those two and get the best result. Tourism in the ACT does need to be ecologically sensitive, and consultation and encouragement of tourism activities which highlight and protect the ACT's natural beauty can only be encouraged. I support the amendments proposed by the Greens to ensure that that is achieved.

The Bill and the subsequent business plan that has to be developed under the Bill when it becomes an Act allow for transparency, for accountability, and for consultation with industry and other community stakeholders to ensure not only that environmental issues of tourism in the ACT are addressed but also that all issues related to making the ACT a top tourist destination are focused within this one entity. It is a focusing of resources and the establishment of one place where the business of tourism can be advanced. The legislation is in fact about marketing the ACT. The central core function of this body will be to market Canberra, so that we can be competitive with other tourist destinations. It is about creating a responsible focal point for tourism in the ACT. It is the ACT's one-stop shop, if you like, for selling the ACT as a tourist destination locally, nationally and internationally.

I would like to come back to some of the points that have been made. Mr Corbell and others made the point that this will not fix it, and I concede that alone it will not. As I said, it does provide a part of the infrastructure, a part of the machinery through which we can attract more people to Canberra. However, the crunch has been addressed by a number of speakers; that is, the big issue in enhancing tourism is spending more money on marketing. We know that; we do not need anyone to tell us. Recent studies have shown that for every dollar you put into the tourism industry you potentially get back \$10. That is a nationwide figure, but it would apply broadly to Canberra. Why would we not put more money into marketing Canberra if we can get back \$10 for every dollar we put in? The answer, and the only answer, is that we do not do it because we do not have the money.

You can put out all sorts of figures and say that we do not spend as much money as Tasmania and the Northern Territory. That is easy to say, but those comparisons are meaningless. We are told that we have almost as many residents in Canberra as Tasmania has and therefore we ought to be putting as much money into our tourism budget. That, also, is meaningless. If you stack up Tasmania's total budget against our total budget, and the Northern Territory's total budget against our total budget, our budget pales into insignificance. It has nothing to do with the number of people who live here.

It does have a great deal to do with the fact that Tasmania and the Northern Territory, by our standards, have an infinite tax base from which they can collect revenue and therefore finance tourism. We do not have that tax base. We do not have natural resources, we do not have any mining, we do not have any manufacturing. How on earth can we expect to produce revenues and generate money for tourism at the same levels, in absolute dollars, as either the Northern Territory or Tasmania? I remind the Opposition, as Mr Hird has already, that in the five years they were in government they did not spend any more money on tourism in any one of those years than we are currently spending, and the reason they did not do it was that they did not have it. While saying that it is nice to have more money to spend, there is no point in saying that unless you can come up with the remedy.

I do not know whether we can come up with the remedy, but we are establishing the machinery through which an organisation can have more flexibility in the way it finances tourism operations in the ACT. I believe it is not unreasonable to say that the industry and the business world out there, which directly benefits from an increase in tourism, should be spending some of its money to achieve an enhanced outcome. I do not think that is an unfair statement at all. But it does not end there, either. I agree that, when the Government can make more money available to attract more tourists to this city, it should. Mr Corbell mentioned this. I have already asked the Chief Minister and Treasurer for an enhanced allocation of funding for a specific marketing campaign this fiscal year. I could have asked for \$10m, but I would not have got it. I asked for a reasonable figure of \$1m, and the odds are that, in cooperation with the industry, we will get it, or close to it. There is no point in setting our targets too high, setting objectives that cannot be achieved.

If the Opposition can tell me how to go about injecting substantially more money into the tourism industry than we currently do, I would love to hear from them. Mr Wood was in government for five years. If he has any ideas on how we can get more money out of the system for tourism, I would love to hear them. If Mr Corbell, who has come with a new face and perhaps a different approach, can tell me where we can get more money for the tourism industry than we are currently spending, I would love to hear from him. I would love to hear from either of them or both of them. My office door is always open. The Government will do what it can, and I will certainly be battling every inch of the way for every additional dollar I can get, because it can only be good for this community and the wellbeing of this society in the longer term.

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There is a certain amount of resources being devoted to tourism marketing and the like at the moment, and perhaps there is scope for using those resources better. That is why I see the Tourism and Events Corporation as being a focal point. Resources that are currently being committed to tourism promotion or activities of a similar kind in departments and agencies spread across the whole of the ACT Government can perhaps be better directed if they are all directed through the corporation. I mentioned the strategy for nature-based tourism. There are resources in the parks and conservation area, run by Mr Humphries, that have been working on tourism-related activities. There are resources in the sport and recreation area that have been devoted to tourism-like activities. By bringing the management of all of those resources together in a single body called the Tourism and Events Corporation, hopefully we can get, to use a World War II expression, a bigger bang for the buck - by putting it all together in one base rather than spreading it thinly across the slice of bread.

Mr Speaker, I appreciate the indications of support. I believe that the Government is taking a step that can only be beneficial. I do not claim that it is the panacea for all of our tourism problems, but it is one chip in the whole mosaic. I think it can, with everybody's support, be a productive entity. I expect that it will, and I can see it being only good for this community of ours in the Territory. I welcome the support, and I urge all members, as they have indicated they will, to support the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5

**MS TUCKER** (12.11): I move:

Page 2, line 23, paragraph (c), before "development", insert "ecologically sustainable".

This amends paragraph 5(c) by inserting the words "ecologically sustainable" before the word "development". This paragraph, if the amendment is passed, will read:

to encourage the ecologically sustainable development of the tourist and travel industry.

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I have already spoken in detail about why we think tourism development must be ecologically sustainable, so I do not believe it is necessary to elaborate in great detail about this amendment. I will say, however, that it is very easy to put the words into legislation, but putting these principles into practice is a quite different matter. It requires a real commitment to make the environmental issues central to planning of any events or activities that are held in the ACT. It is not just a matter of words that can be used in an annual report.

Amendment agreed to.

**MS TUCKER** (12.12): I move:

Page 2, line 26, after paragraph (f) insert the following paragraph:

“(fa) to advise the tourist and travel industry on reducing the environmental impact of tourism related activities;”.

This amendment adds to clause 5 an additional function. I have outlined in some detail that, while I think this is a very important function that should be central to a tourism corporation operating in the 1990s, once again, this should not be a token effort. The range of activities this function would involve should be quite broad, ranging from providing information to businesses involved in the tourism industry - how to cut energy waste and water consumption, maybe in collaboration with ACTEW, advice on implementing other environment management programs - to assessing and accrediting tourism operators with a proven record on environmental sustainability. Education and training is a very important part of improving environmental performances.

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (12.14): The Government has considered the amendments put forward by Ms Tucker and we have agreed that there is a need to inform the Assembly if the corporation enters into a partnership or a joint venture. We do have difficulty, however, with the notion of informing the Assembly every time we do that within 15 sitting days. The reason for that is the point made by Mr Corbell earlier - - -

**Ms Tucker:** On a point of order, Mr Speaker: Is Mr Kaine speaking to my second amendment?

**MR KAINE:** I am speaking to your amendment to clause 7.

**MR SPEAKER:** No; we are only on the second amendment to clause 5.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6 agreed to.

**MS TUCKER** (12.15): I move:

Page 3, line 16, add the following subclause:

“(3) Where the Corporation enters into a partnership or participates in a joint venture, the Minister shall -

- (a) cause to be prepared a statement setting out particulars of, and the reasons for, the partnership or joint venture; and
- (b) cause a copy of the statement to be laid before the Legislative Assembly within 15 sitting days after the partnership or joint venture is entered into.”.

This amendment requires the Minister to table in the Assembly within 15 days a statement detailing the particulars of any joint venture or partnership. For members' information, this is very similar to an amendment that was passed by the Assembly in relation to the Health and Community Care Services Bill. The Government would prefer to see it in a report. I think we might still have a disagreement there. We are asking that it be tabled within 15 days, and we believe that that is very important. The purpose of this legislation may be to make Canberra Tourism more businesslike, but this is not just any business. It is a statutory corporation owned and funded by the taxpayers of Canberra. From that point of view, in our opinion, there is no compelling argument why the Assembly should not be privy to details of joint ventures or partnerships. After all, this is the Government that wanted open government, and we believe that this amendment is therefore very important.

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (12.16): This Bill will impose quite a level of accountability on the management board, and the amendment put forward by Ms Tucker was one we had a look at very closely. Originally, our proposal was that we would comply with the requirement to report these things, but only in connection with joint ventures or partnership agreements the value of which exceeded half a million dollars. I accept, however, the point made by Mr Corbell that there could be a quite large number of agreements entered into, each of which is worth only a few thousand dollars and therefore not a great sum, but, if you added them together over the course of a year, they could add up to a considerable sum. Putting a half-a-million dollars ceiling on it did not really achieve the objective the Greens were seeking, and we accepted that. Because of the very fact that there may well be a large number of such agreements entered into, it will be fairly onerous to have to table every one of them in the Assembly within 15 sitting days of signing it. What is the Assembly going to do with them anyway? If they are worth only \$3,000, \$5,000 or \$7,000, is the Assembly going to sit around and debate them ad nauseam individually? What the Government is proposing instead is that we will meet the requirement of accountability and table the details of all such agreements entered into; but we will do it quarterly, in conjunction with the quarterly report that the Bill already obliges the board to present to the Minister and to the Assembly.



I am proposing an amendment, which I have circulated, to Ms Tucker's amendment that deletes her paragraph (b) and inserts:

- (b) cause a copy of the statement to be laid before the Legislative Assembly with the next report given to him or her under subsection 18(1).

That is, with each quarterly report, currently obligatory under the Bill, we will table the details of all the joint ventures and agreements entered into in the previous quarter. That gives the Assembly full accountability. It allows it to debate all or any of the arrangements the body has entered into in the preceding quarter. I formally move as an amendment to Ms Tucker's amendment:

Omit proposed paragraph (b), substitute:

- “(b) cause a copy of the statement to be laid before the Legislative Assembly with the next report given to him or her under subsection 28(1).”.

**MR CORBELL** (12.19): Mr Speaker, I had some considerable discussion with officers of the Minister's department and my colleagues as to the most appropriate course of action in relation to this amendment. After much consideration, we have decided that the Government's proposal is the acceptable one, in that it does allow for accountability and report back to the Assembly. For that reason, we will be supporting it. Fifteen days does seem to be an onerous requirement on the officers of Canberra Tourism, and for that reason we would be happy to support a quarterly report to the Assembly.

**MS TUCKER** (12.20): Mr Speaker, may I clarify something. We have 15 sitting days. I need to clarify whether that is going to be a longer period than a quarterly report. I want to clarify what Mr Kaine's proposal is. Is it for a quarterly report, Mr Kaine? Did you mean by that that it would be in a quarterly report?

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (12.21): Mr Speaker, what my amendment does is to change Ms Tucker's amendment so that, instead of requiring each one of these things to be reported to the Assembly within 15 sitting days, they will be consolidated and there will be one report to the Assembly every quarter, which will include the details of all partnerships and joint ventures entered into in the preceding quarter.

**Ms Tucker:** We will support that.

Amendment (**Mr Kaine's**) to Ms Tucker's amendment agreed to.

Amendment (**Ms Tucker's**), as amended, agreed to.

Clause, as amended, agreed to.

Clauses 8 to 22, by leave, taken together, and agreed to.

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Clause 23

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (12.22): Mr Speaker, I move:

Page 8, line 9, add the following subclause:

“(8) The Minister shall, within 3 sitting days of a business plan coming into effect, cause a copy of the plan to be laid before the Legislative Assembly.”.

The Bill requires a business plan to be developed within two months and it requires that business plan to be tabled in the Assembly. The Bill was silent on when the business plan should be tabled. This merely places an additional onus on me, as the Minister, in that within three sitting days of the business plan coming into effect I must cause a copy of that plan to be laid before the Assembly. It is a further addition to the accountability provisions.

**MS TUCKER** (12.23): We will be happy to support this, as we suggested it to Mr Kaine. We are delighted that he is prepared to incorporate this.

**MR CORBELL** (12.23): Mr Speaker, we will be supporting this amendment also.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 24

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (12.23): I move:

Page 8, line 35, add the following subclause:

“(7) If a business plan is modified in accordance with a proposal or a revised proposal, the Minister shall cause a copy of the proposal or revised proposal, as the case may be, to be laid before the Legislative Assembly with the next report given to him or her under subsection 28(1).”.

Again, it is quite likely that, during the course of the business of the corporation, it will have occasion to modify its business plan, and some of those modifications could be of such significance as to require that the changes be made known to the Assembly. What this does, again, is require that the Minister shall table in the Assembly details of any business plan modification and that the Minister will do that at the next quarterly report following that change.

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**MS TUCKER** (12.24): Mr Speaker, we will be supporting this. It was not our initial intention; we did want to see any modifications tabled fairly quickly. However, we have taken on the Government's point of view. I would say, however, that if a major reconstruction of plans occurred after they had been originally formulated, we would have to reconsider whether this was appropriate. We will be keeping an eye on that, but at this point we are happy to go with this compromise.

**MR CORBELL** (12.25): Mr Speaker, this is in line with previous amendments that have been agreed to. Again, it seems to me appropriate that this information be provided on a quarterly basis rather than on each instance when it is changed. That would seem to be an overly onerous requirement of Canberra Tourism, and for that reason we will support this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 25 to 27, by leave, taken together, and agreed to.

Clause 28

**MS TUCKER** (12.26): I move:

Page 9, line 30, add the following subclause:

“(3) The Minister shall cause a copy of each report given to him or her under subsection (1) to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the report.”.

This amendment requires that the Minister must table quarterly reports in the Assembly within six sitting days. It is consistent with our other amendments about accountability, and I am happy to propose it.

**MR KAINE** (Minister for Urban Services and Minister for Tourism) (12.26): The Government has no objection to this amendment.

**MR CORBELL** (12.26): Mr Speaker, the Opposition will be supporting this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

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**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -  
STANDING COMMITTEE  
Report and Statement**

**MR WOOD:** Mr Speaker, I present Report No. 3 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement on that report.

Leave granted.

**MR WOOD:** Mr Speaker, Report No. 3, which I have just presented, was circulated when the Assembly was not sitting, on 5 March, pursuant to the resolution of appointment of 9 March 1995. The most significant item in the report relates to determinations under the Motor Traffic Act. While the collection of road rescue fees is now validly done, the question remains about the validity of collections before 21 February. We wait for the Government's response.

**Sitting suspended from 12.28 to 2.30 pm**

**QUESTIONS WITHOUT NOTICE**

**ACTION Chief Executive**

**MR WHITECROSS:** My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, I refer you to an article which appeared in the *Canberra Times* on Saturday, 22 February, this year. This article was speculating on the future of the ACTION chief executive, Mr John Flutter, who the article claimed was the victim of a campaign to destabilise him. Minister, I note in that article that a spokesperson from your office is quoted as saying, "Mr Flutter has his Minister's complete support", and going on to say that the review of ACTION services "implied no criticism of Mr Flutter". Minister, will you now personally give a public commitment that John Flutter has your unequivocal support and that he will not be made a scapegoat for the hostile public reaction to your Government's ill-considered cuts to ACTION services?

**MR KAINE:** I have no difficulty at all with saying yet again that Mr Flutter has my complete support, and always has had, as the executive director of ACTION. John Flutter has always been a professional public servant and remains so. At no time have I had occasion to criticise him for the way he has done his business. He certainly has had, and still has, my total support.

**MR WHITECROSS:** I ask a supplementary question. Minister, can you confirm that Mr John Flutter is, in fact, leaving the ACT government service this week, that he is to finish on Friday and that he is to be replaced by Mr Geoff Clifford? How do you expect anyone to believe your protestations of support for Mr Flutter, given that the months of speculation about his future have now proved to be correct?

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**MR KAINÉ:** Mr Speaker, I can confirm that Mr Flutter, of his own volition, has determined that he will seek a career path elsewhere. In fact, he does leave on the 14th. He does so with my best wishes for whatever he seeks to undertake in the future. At this stage I can make no comment about who might replace him. As I understand it, as from 14 April, Mr Allan Eggs, who is the present deputy, will act in the executive director's job until we go through the advertising process, which will be a public process, to determine who John Flutter's replacement will be.

### **X-rated Videos**

**MR HIRD:** Mr Speaker, my question is to the Attorney-General, Mr Humphries. Mr Humphries, what are the implications for the Territory of the Commonwealth's new policy regarding X-rated videos?

**MR HUMPHRIES:** I thank Mr Hird for that question. Mr Hird is referring to the announcement yesterday by the Commonwealth Government of its view about X-rated videos. Members will be aware that there was speculation that the Federal Government would implement a policy of abolishing or banning X-rated videos in the Territories. I suppose there was some sensitivity about the Commonwealth moving in on the Territories after recent legislation. Whatever the reason, I am very pleased that the Commonwealth has decided to accept what is effectively a proposal I put to the Federal Attorney-General, Daryl Williams, in December last year.

The proposal tightens the classification of currently X-rated videos, so that material which includes things like bondage, some fetishes, demeaning images, as well as all forms of sexual violence, simulated or otherwise, will be banned. So, too, will videos depicting adults as children - the schoolgirl videos. As well as those changes, that shaving off of the more offensive fringe of the X classification, the classification itself will change from X to a more descriptive title, NVE, standing for non-violent erotica, and appropriate guidelines for the new material will be contained in that shift. The basic right of adults to watch and buy videos depicting consenting sexual acts between adults is preserved by this decision. I believe that constitutes a victory for commonsense.

It is a little bit rare perhaps to be doing so in this place, but I am quite pleased to commend the Federal Government on a sensible decision in this area. I think it would have been impractical to have considered banning X-rated videos. There are, on various estimates, between 10 million and 20 million such videos in circulation in Australia. To have attempted to ban those, no doubt, would have necessitated calls for a porn buy-back, which would have been a very interesting concept. We would have needed a special discreet entry to the police station to do that one. I think this is a way of ensuring that the offensive component of the X classification - and there was an offensive component - is in fact eliminated, but the essential category itself and providing access to material showing acts between consenting adults are preserved. I think it is a sensible compromise, and I commend the Federal Government on that compromise.

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**ACTION Chief Executive**

**MR BERRY:** My question to Mr Kaine relates to his responsibilities for the Territory's buses. I raise this question as a member concerned about the ongoing politicisation of the ACT Public Service. Mr Kaine, would you inform the Assembly for how long you or Mrs Carnell's vice-president, Mr Walker, had to hold Mr Flutter out the window in order to secure his resignation?

**Mrs Carnell:** I raise a point of order, Mr Speaker.

**MR BERRY:** Tell us for how long you had to hold him over the balcony or out the window.

**Mrs Carnell:** Mr Speaker, I was under the impression that people had to call members of this Assembly, and I hope others as well, by their proper titles.

**MR BERRY:** That is not a point of order. There is no point of order. Mr Walker is not a member here.

**MR SPEAKER:** Order! Mr Walker is entitled to be known by his correct title.

**MR BERRY:** Direct me to the standing order in the book.

**MR SPEAKER:** As indeed is any other senior public servant.

**MR BERRY:** The self-appointed vice-president, Mr John Walker. Tell us for how long you had to hold - - -

**Mrs Carnell:** Mr Speaker, I raise a point of order.

**MR SPEAKER:** Order! That is still regarded as being - - -

**MR BERRY:** It is not a point of order.

**MR SPEAKER:** Please refer to Mr Walker by his correct title.

**MR BERRY:** We are testy! He probably needs a bit of defence. If you are hanging somebody out the window by their heels as you say, "Resign or else, pal", sooner or later you will get a resignation.

**MR SPEAKER:** Would you withdraw.

**MR BERRY:** Yes, done. Would the Minister confirm that the Government has been working towards this for months by harassing and intimidating Mr Flutter in order to get him to quit, that it has done so in order to blame him for the Government's campaign of downgrading ACTION bus services and that Mr Flutter's departure will allow you and your Government to appoint someone more committed to running down a successful public transport system as a precursor to privatisation?

**Mrs Carnell:** It is very hypothetical, Mr Speaker.

**MR SPEAKER:** Mr Minister, there are both inferences and imputations in that question. It is perhaps hypothetical as well. What is left of it, I suppose, you can try to answer, Mr Minister.

**MR Kaine:** I can probably avoid wetting my feet as I find my way around the puddles from whatever it was that was hung out to dry. I can totally and unequivocally deny the allegation that Mr Berry is making that I or any other member of this Government had any intention of taking or took any action whatsoever to secure Mr Flutter's departure. Because of the difficulties we have been experiencing with ACTION over recent months, I suppose I have spoken to Mr Flutter on average once a week over the last eight weeks. At no time did I raise with Mr Flutter the question of his leaving and at no time did he raise with me the question of his departure. I heard only yesterday for the first time that Mr Flutter had determined that he would seek new avenues. In fact, I understand that in the near future he is beginning an academic program at the Sydney University school of management. That is a decision that he has taken. I have not hastened him on his way in any way. I repeat that I have always found John Flutter to be a professional public servant. I have had absolutely no reason whatsoever even to suggest that he go elsewhere, and I have not done so. To the best of my knowledge, neither has any other member of this Government.

**MR BERRY:** I address a supplementary question to Mr Kaine. Mr Kaine, are you concerned that Mr Flutter's going lends weight to the serious concerns many in the community have that the ACT Public Service is becoming increasingly politicised? I remind you of the long line of senior public servants who have been forced out. The community are concerned that the ACT Public Service is being increasingly politicised and that the Senior Executive Service is being stacked with friends of the Liberal Government.

**Mrs Carnell:** I do not think we have one member who has been a member of the Liberal Party.

**Ms McRae:** You would know, would you not? You have asked them, have you?

**MR Kaine:** Despite Ms McRae's interjection, it does concern me greatly that people like Mr Berry seek to put that kind of spin on the fact that a senior officer of this Government has decided to proceed with his career somewhere else. It does not say much for the mentality or the goodwill of these people that they would even suggest that Mr Flutter would respond to that kind of coercion. Anybody who knows John knows better. He would not respond to it.

In connection with the broader connotation of Mr Berry's question, I think it is despicable that he should be pushing the line that this Government is somehow trying to politicise the Public Service. I have not appointed anybody to the Public Service on political grounds. I do not intend to so appoint anybody, and I certainly have no intention of firing anybody

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for political reasons. If Mr Berry can back up his innuendo, let him put the facts on the table, not carry on this snide campaign by innuendo that the Government is somehow doing something that is wrong. I know of nothing to support Mr Berry's contention. If he cannot put his money where his mouth is, he should withdraw unequivocally the inferences that he is trying to draw.

## VISITORS

**MR SPEAKER:** I acknowledge the presence in the gallery of 18 members of the graduate administrative assistants course. We welcome you to your Assembly.

## QUESTIONS WITHOUT NOTICE

### High-speed Train

**MRS LITTLEWOOD:** I address my question to the Minister for Urban Services in his capacity as Minister responsible for transport. Does the Minister believe there should be another inquiry into the economic impact of the high-speed train, or will such an inquiry only delay the progress of the project?

**MR KAINE:** Thank you for the question. Not another inquiry! Every day I read the papers, listen to the radio and watch TV and every day the Opposition says, "Here is another subject on which there ought to be an inquiry or a review or a study". Is it not interesting? They did not do too many inquiries, studies or reviews when they were in government. They just sat here like a bunch of nugget heads and did nothing. Now they are suggesting that every subject in the world should be the subject of an inquiry.

Mrs Littlewood, I do not support the notion that there should be yet another inquiry into the economic impact of a high-speed train link between Canberra and Sydney. It is completely unnecessary. Indeed, it could needlessly interfere with and delay the start of this vital infrastructure project. The call for such an inquiry by Mr Corbell says more about his inexperience and lack of knowledge than it does about the wisdom of such a proposal. In recent years, Mr Speaker - - -

**Mr Corbell:** I raise a point of order, Mr Speaker. I do not think someone's age or length of time in this chamber should determine how people judge an issue.

**Mrs Carnell:** That is not a point of order.

**Mr Corbell:** I think it is very important that younger people in this Assembly have a chance to participate just as much as older, more experienced members. As a result, I ask you to rule Mr Kaine out of order on that point.

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



**MR KAINE:** I will continue to try to answer - - -

**Mr Whitecross:** I raise a point of order, Mr Speaker. I know that Mrs Carnell has given you your riding instructions on this, but - - -

**Mr Humphries:** Mr Speaker, I rise - - -

**Mr Whitecross:** Mr Speaker, I withdraw any aspersions against you. It is just that I cannot help noticing that Mrs Carnell keeps giving you lots of advice. Mr Speaker, how can you rule that a member reflecting on another member's capacity is in order, but Mr Berry reflecting on Mr Walker's self-description as vice-president is out of order? You have to be consistent.

**MR SPEAKER:** There is no point of order, Mr Whitecross.

**Ms McRae:** Mr Speaker, I rise on a point of order. You would allow me to call Mr Kaine the ageing and ever so overexperienced member of this parliament, would you? I seriously question your ruling, Mr Speaker.

**MR SPEAKER:** No, I would not allow that. There is no point of order. I will, however, invite the erudite Mr Kaine to continue.

**MR KAINE:** I am fascinated. Today the Opposition decided to give me a barrage of questions, presumably on the assumption that I would buckle; but now all they can do is raise points of order because I have them on the back foot. They have to raise points of order and break up the answer.

I get back to my answer. In recent years several studies have been carried out into the economic viability and flow-on benefits of a very high speed train, including a major one done by the ACT Government itself only six years or so ago. The findings of that study are still not obsolete by any standard. They still stand today, as they did in 1990-91. That study clearly established that the project will fundamentally alter the economic centre of gravity in the south-eastern corner of Australia, with millions of dollars worth of direct benefits to the ACT as well as many new jobs and substantial growth in average household incomes. Those are the defined benefits. Mr Corbell, the new kid on the block, presumably did not know this, because he was still at school at the time. He is in a new school now and if he listens quietly he might learn something.

**Mr Whitecross:** You are covering yourself in glory, Trevor.

**MR KAINE:** At least I have you on the back foot. The high-speed train benefits identified as long ago as 1990 could only be greater today, especially with the urgency of the need for new jobs for Canberrans as well as tourism growth and general fiscal injection. Nothing has changed. The need is even more important. The last thing we need is another time-wasting, Labor-sponsored committee. Labor wants us to stop and study it to death. We should instead devote our positive energies towards selecting as soon as possible the best technology for the new high-speed train link. That will be done, and it will bring substantive benefits when it is.

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Mr Corbell should also understand that the evaluation process currently being undertaken is itself an evaluation of the environmental, technological and economic viability of the various proposals for the high-speed train. When it comes to a conclusion it will answer some, if not all, of the questions in his mind. In short, I do not favour diverting scarce resources away from the main game of evaluating a contender into some side game which can do nothing but delay the project.

**Mr Whitecross:** I raise a point of order, Mr Speaker. Mr Kaine, referring to a committee chaired by Mr Hird, referred to scarce resources. I hope he was not reflecting on Mr Hird's resources.

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

### **Keno Licences**

**MS McRAE:** My question is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, I draw your attention to an article, which appeared in the *Canberra Times* on Sunday, 6 April, in relation to the issuing of keno licences. The article states that both the casino and ACTTAB are vying for rights to be the sole operator in the Territory. Chief Minister, the article states:

ACTTAB appears to be in the box seat, since its two shareholders are Chief Minister Kate Carnell and Deputy Chief Minister Gary Humphries, but it is understood the final decision rests with the head of the Chief Minister's Department, John Walker.

Chief Minister, does this mean that Mr Walker, who is referred to as the vice-president, has increased his influence to the point where the Chief Minister and Deputy Chief Minister of the Territory now have to kowtow before him?

**MRS CARNELL:** That is a very interesting question. I am very glad it was asked. Unfortunately, the *Canberra Times* was wrong. The final decision lies with me as Chief Minister, as you would expect to be the case. I have spoken at length to the TAB, the casino, the licensed clubs and just about everybody else on this particular issue. The position as it currently stands is that those who have put in applications that have met the guidelines that are necessary will be looked at for approval. At this stage nobody has been approved. There are some issues to be resolved with the casino.

**MS McRAE:** I ask a supplementary question. Chief Minister, is it of concern to you that the head of your department has become such a political player that he is portrayed in cartoons at your side and he, rather than your elected colleagues, is seen as the chief decision-maker in your Government?

**MRS CARNELL:** I am very interested to learn that you believe that everything the *Canberra Times* writes is correct. I understand that that particular article was written by Peter Clack. Mr Clack, I have to say, did not speak to me about it at all. He and that article were simply wrong. I believe very strongly that the heads of both of my departments should work very closely with me, and they do. I understand that that is

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the case with all of my Ministers. Our chief executives are regularly at our sides. We believe very strongly that the way to a strong Public Service, the way to a strong government, is to have very close links with the Public Service. That is the way we operate. All of the Ministers operate that way, and we will continue to operate that way because it is simply better management. We do not perceive that there is a difference, an us and them attitude, between the Government and the public sector in Canberra. We are all on the same team and we will all continue to be on the same team.

### **School Dental Services**

**MS TUCKER:** My question is to Mrs Carnell as Minister for Health. I understand the Government is proposing to introduce user pays into the school dental services through the child and youth dental membership scheme, which will require all parents other than holders of social security cards to pay up-front fees for dental care, including the regular initial checkups, which usually are recognised to be critical in preventing dental neglect and cost effective because the cost of treatment is obviously greater for advanced dental problems than for less advanced problems.

**Mr Berry:** This happened six months ago.

**MS TUCKER:** Public consultation for this proposal was held over school holidays - obviously, not a good time for parents - and only 18 submissions were received, mostly from professionals. Did the consultation process include use of school newsletters or other informal channels? Does the Minister believe that this consultation period over school holidays was appropriate?

**MRS CARNELL:** It might be surprising, but I am very happy to say that Mr Berry is right on this situation. Mr Berry just made the point that this did happen quite a while ago. Poor old Ms Tucker is a tiny bit slow off the mark on this one. Mr Berry is right. Ms Tucker is slow off the mark. A discussion paper called "New Approaches in the ACT Dental Program" was released for public consultation by ACT Community Care early in January 1997. The document was distributed widely through the community and among key interest groups. In fact, it was mailed out directly to them. ACT Community Care even sponsored two very well advertised meetings in February, not in school holidays - - -

**Ms Tucker:** How many people attended?

**MRS CARNELL:** That is the interesting question. How many people turned up to these well-advertised public meetings? For one of them, nobody.

**Ms McRae:** It is your fault, Mrs Carnell!

**MRS CARNELL:** It is my fault! We advertised them. We said, "Please come to this public meeting. We will have all of our people there. You can ask any questions you like. Please come". Nobody did. That is obviously the Government's fault! We obviously did not get the consultation right! We then had a second public meeting, again well

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advertised. Again, information went out to schools and to people who had accessed the service before. We also let community groups know. ACTCOSS and all those sorts of people knew about the public meetings and about the process. My understanding is that for the second meeting two people turned up. They were both therapists in the area. If we had gone to a third one, we could have got four people. It would have been an absolute breakthrough at that stage.

The issue here is that significant public consultation did occur. The documents that were sent out were very user friendly. They were certainly sent to everybody who requested them. I think everybody in this place got copies, plus briefings on them. A couple of months ago we got 18 submissions back. They were predominantly from professionals or organisations operating in the area. All of those submissions and the input from the public meeting have been taken on board. We have looked at the options available to us and have come up with a final document which will be implemented.

The situation with school dentistry is very interesting. As those opposite, certainly Mr Moore, will know, Mr Moore and I have argued in this place that the move to cluster clinics and fewer and fewer cluster clinics was, in the end, going to impact badly on the children at school who most needed the service. In other words, parents who did not tend to send their children to regular dental appointments off their own bat would also tend not to take them to the cluster clinics. We believed very strongly that the only way to overcome that was to get a mobile service back out to the schools. The only way we could do that, of course, was to implement a user charge, but not on people on low incomes and not on pensioners. That amount of money is significantly less than the cost of even one visit to a dentist for one member of the family. It is actually a very low figure. For large families, I think the maximum is \$100. It does not matter how many kids you have. If it is only one child, the figure is significantly less than that. By implementing a quite small user fee, only for those families that are not low income or on social security benefits, we have managed to get a mobile service back out to the schools so that we can ensure that the people who most need the service are actually getting access to the service. I think that is a good balance.

This all came about because, as many of the people in this house will know - and many of us have been very negative about the whole situation - in last year's Commonwealth budget the Commonwealth removed the special dental program. That cost the ACT Government some \$1.3m. We had to look for the best possible way that we could maintain the service following that significant reduction from the Commonwealth. We have done that by implementing low fees in our adult dental area and some fees in the school area for families that are not low-income earners or on social security benefits. As well as that, we have improved our service delivery. I think that is the sort of balance that you need to achieve in what is a very difficult circumstance.

**MS TUCKER:** I ask a supplementary question. Mrs Carnell thinks the difference between January and the beginning of April is six months. I do not make it out to be of that duration.

**MR SPEAKER:** There must be no preamble to a supplementary question.

**MS TUCKER:** I asked a question about consultation. Mrs Carnell apparently is saying she thought it was great. She had one public meeting that no-one turned up to, so she called another one that two people attended. My question was: Did she consult schools? Did Mrs Carnell bother to look at other networks? Did Mrs Carnell look at other ways of consulting? Indeed, she is right. This consultation has been a farce.

My supplementary question, though, is that Mrs Carnell has claimed that this is actually going to be in the interests of everybody. I would like her to table, if there is such a thing, the cost-benefit analysis which shows that it is indeed good to charge up-front fees for preventative regular checkups rather than charge for subsequent work. There is a sense in the industry that it costs a lot more to deal with the problems that result when you do not do those first checkups.

**MR SPEAKER:** Is this a question or a statement?

**MS TUCKER:** My question is: Could the Minister tell the Assembly the rationale for charging for the first checkup and not later treatment, if they must introduce user pays, and could she please table for this place that cost-benefit analysis, which I am sure a government so interested in looking at the economics of issues would have done?

**MRS CARNELL:** I wonder whether Ms Tucker put in a submission. Oh, dear, the answer is: No, she did not put in a submission. I wonder why.

**Ms Tucker:** Mr Speaker, can I take a point of order?

**MRS CARNELL:** That is not the issue here and it is not the subject of the question. I certainly will get onto the question now.

**Ms Tucker:** I let Mrs Carnell answer the first question as she saw fit, because that is how you normally rule; but I have to say I am getting very tired of the fact that Mrs Carnell cannot answer a serious question without these irrelevant - - -

**MR SPEAKER:** She is about to.

**MRS CARNELL:** I believe that the community consultation approach was very adequate. In fact, as I said, we accessed community groups. We sent the documents to all of those people we thought would be interested. We advertised in newspapers. We made sure that information was available at the clinics - the cluster clinics and our dental clinics generally.

**Ms Tucker:** That was not my question. Did you go to the schools?

**MRS CARNELL:** The cluster clinics are where the school kids go, Ms Tucker. I think the consultation - the period and the approach - was very well done.

**Ms Tucker:** You said that. Answer the supplementary question.

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**MRS CARNELL:** You asked the question again. I can tell you what the cost-benefit analysis was. The Commonwealth cut \$1.3m. Unfortunately, the Commonwealth did not come to us and say, "ACT Government, let us have a cost-benefit analysis on our taking away \$1.3m". They absolutely unilaterally took away \$1.3m from the ACT and, for that matter, from every other State.

**Ms Tucker:** Mr Speaker, I raise a point of order. I asked for a cost-benefit analysis of choosing to charge for the initial checkup but not subsequent work. I did not ask for a cost-benefit analysis of Commonwealth funding.

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

**Ms Tucker:** The point of order is that she should answer the question.

**MR SPEAKER:** I have been through this with members repeatedly.

**MRS CARNELL:** With regard to the cost-benefit analysis, we ended up with \$1.3m less than we had before. That meant that we had to ask our patients, our staff and a significant number of other people how we would address this problem in the best interests of the community - in other words, make the money we had in this area go further. I think we have made the money go further by achieving the sorts of ends we have managed to achieve in providing free dentistry for people on pensions and for low-income earners, in getting mobile services back to the schools - something that I think will be a real benefit - and at the same time in managing at least some improvement in the dollar amount going to our adult service.

From our analysis, we believed that if we had done nothing in the dental area we would have very quickly ended up with waiting lists approximating the waiting lists that occurred prior to the previous Federal Government bringing in the dental scheme. Those waiting lists were running up to four years. The analysis that this Government did showed that those sorts of waiting lists simply were not acceptable and we had to do everything in our power to avoid them.

### **Commonwealth Minister for Tourism**

**MR CORBELL:** My question is to Mr Kaine in his capacity as Minister for Tourism. Minister, can you confirm that the chief executive of Canberra Tourism has written a letter to the chairman of the Canberra Business Council outlining his serious concerns about the dismissive and contemptuous attitude of the Federal Tourism Minister, Mr John Moore, towards Canberra as the national capital? Minister, have you raised this issue with the Federal Minister, and will you defend the ACT tourist industry from your Federal colleague?

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**MR KAINE:** I understand that such a letter was written. It resulted from a meeting that was arranged by the Federal Minister with local representatives of the tourism industry. It was a meeting that I knew nothing of. I was not invited to attend it. The Minister was doing an around-Australia trip talking to people involved in the tourism industry. I understand that there was - - -

**Mr Berry:** Are you not involved in it anymore?

**MR KAINE:** I do not go to meetings that I am not invited to. Do you? Would you turn up if you were not invited?

**Mr Berry:** If it was important enough, I would elbow my way in, Trevor. You know me.

**MR SPEAKER:** Mr Corbell has asked a question. He is entitled to an answer.

**MR KAINE:** Despite Mr Berry's interjection, I was not aware. It was something that happened at about the time that I took over the ministry. I was not even aware that the meeting was taking place. I do understand that there were some concerns as a result of the way that meeting went and a letter was written expressing those concerns. The matter has been taken up with the Minister. I do not feel that it is necessary for me to get involved in such an issue. I am sure that if the chief executive or executive officer of Canberra Tourism thought he needed my help to express his opinion he would have come and asked for it, but I do not think he felt the need for it. I am sure that if he does not get the response that he expects to get on behalf of the tourism industry he will come and talk to me. He has not done so.

**MR CORBELL:** I ask a supplementary question. I find it extraordinary that the chief executive of Canberra Tourism does not rely on his own Minister for help. Minister, can you inform the Assembly why the chief executive of Canberra Tourism wrote directly to the chairman of the Canberra Business Council requesting him, not you as the Minister and his superior, to raise with Mr Moore the issue regarding his dismissive attitude towards Canberra? Is it because the chief executive of Canberra Tourism has no confidence in you as Minister? Will you table a copy of the letter sent from the chief executive of Canberra Tourism to the Canberra Business Council, provided of course that someone remembered to cc a copy to you?

**MR KAINE:** I have said that I am aware that such a letter has been written. I do not have a copy and I have not seen it. I cannot table a document that I am not privy to. Regardless of whether he has confidence in me or not, I imagine that one of the reasons he went to the chairman of the Canberra Business Council is that that person had been a member of a delegation that went across the lake, I think with the Chief Minister, and discussed business issues at the ministerial level. It may be that through that channel - - -

**Mr Whitecross:** Why do you not ask him for a copy so that you can table it?

**MR KAINE:** Why?

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**Mr Whitecross:** Because you were asked.

**MR KAINE:** I do not see any reason to involve myself in issues that are nothing to do with me. That a person was aggrieved at something - - -

**Mr Whitecross:** You are the Minister. It has nothing to do with you! You are just the Minister!

**MR KAINE:** I may be the Minister for everything, but I am not the Minister responsible for the dissatisfaction that an individual in this community has with a Federal Minister and that he has taken up with that Minister. He has not taken it up with me. To satisfy Mr Corbell, Mr Berry and the other chooks on the other side, I will throw them a couple of grains of wheat. The Chief Minister has discussed it with the Prime Minister. Does that help?

### **ACTAC Building - Security Arrangements**

**MR OSBORNE:** My question is to the Chief Minister and Treasurer. Mrs Carnell, I have placed on notice several questions about the new security arrangements in the ACTAC Building, but since then several more concerns have been raised with my office. Firstly, is it true that the Fingerscan system was installed without consulting the building owner, the Commonwealth Bank superannuation fund? Has the Chief Minister's Department received complaints from Customs that the system is impeding its employees' access to their building? Is the true cost of buying and installing the system more like \$70,000 than the \$37,000 Mr Walker told the *Canberra Times* on 4 March?

**MRS CARNELL:** Mr Speaker, if there are questions on the notice paper, is this question in order?

**MR SPEAKER:** It is a different question; therefore, I will allow it.

**MRS CARNELL:** Mr Speaker, it would be outside my capacity to answer many of those questions, inasmuch as I do not run the ACTAC Building or the department in the ACTAC Building. What I do know is that the Fingerscan technology is run by a local company. When it was perceived that there was a need for a change in the security approach that was taken at the ACTAC Building, the cost of replacing the little plastic discs turned out to be absolutely prohibitive. My understanding is that it cost something in excess of \$40 every time somebody lost one. On the basis that it is not very easy to lose your finger, the new approach, I understand, is significantly cheaper in the longer term. Most importantly, it is a local company that is looking at a significant overseas and export market for the ACT. It seemed a really good way, as it was put to me - - -

**Mr Osborne:** I raise a point of order, Mr Speaker. I will just go through the questions again in case the Chief Minister did not quite pick them up.

**MRS CARNELL:** Mr Speaker, that is not a point of order.



**Mr Osborne:** You are not answering the question.

**MRS CARNELL:** It does not matter.

**MR SPEAKER:** We have been through this before.

**Mr Osborne:** Mrs Carnell can answer all that other stuff in answers to the questions on notice. Was the owner of the building consulted prior to the Fingerscan system going in? Has the Chief Minister's Department received any complaints from Customs? Did it cost more than \$37,000, more like \$70,000? They are three very simple questions.

**MRS CARNELL:** I will take them on notice.

### **Boomerang Cafe Lease**

**MS HORODNY:** My question is directed to the Minister for the Environment, Land and Planning. I hope that, unlike Mrs Carnell, he believes that it does matter to answer the question correctly. It would be sad if everyone in the Government believed as Mrs Carnell does. Mr Humphries has had notice of this question. I would like to ask you about Mr John Stefos, who is the proprietor of the Boomerang Cafe in Mort Street in Braddon. Mr Stefos has run his cafe in the old TAU Theatre for the last 10 years and he has provided a valuable service to workers in the Braddon area. Earlier this year, however, your department told Mr Stefos that his lease will be terminated on 17 May so that the building can be demolished to make way for a small number of car parking spaces. Given that your Government has said many times in the past that it supports small retailers in Canberra, how can you justify the forced closure of this successful small business for the sake of building a few extra car parking spaces in an area that already has adequate car parking and cause Mr Stefos to lose over \$300,000 which he has invested in that business, force his six staff to lose their jobs and deprive the Government of the \$13,000 per annum that he pays in rent to the Government?

**MR HUMPHRIES:** I am very grateful to Ms Horodny for asking this question, because there has been publicity about this issue in the last day or so and I am very keen to have the Government's response to that publicity put on the table. I think a little bit of history of this site would be appropriate. Members might recall that this was a motor vehicle testing station years ago. In 1987 the TAU Community Theatre Association took a lease over the former station. It had occupied the building since 1983. It was granted a 10-year lease in 1987. That 10-year lease expires in May of this year. At that time Mr Stefos rented an area of the theatre for the purpose of a backstage restaurant and takeaway cafe. That was a sublease of the TAU Theatre's lease of the premises.

In June 1990 the TAU Theatre and the backstage restaurant burnt down, but the Boomerang Cafe was not affected by that fire. The TAU Theatre ceased operating and, as the head lessee, wanted to surrender its lease over the whole site straightaway. That surrender could not be effected because Mr Stefos, in his cafe, put a caveat on the lease to say that there should not be any further dealings without his permission.

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He continued to trade from the premises without a lease or a licence and, incidentally, without paying any rent or any other associated costs such as rates and energy charges during that period.

Eventually, in February 1993 the former Government offered Mr Stefos a short-term crown lease over the cafe site, provided he lifted the caveat to enable the TAU lease to be surrendered. TAU was still technically in possession of the site. He accepted that offer, which was for a lease to be issued for the remainder of the term of the original TAU lease. That was a lease from 1993 to 1997, a bit over four years. He also agreed that rent be payable. The amount of the rent was reduced to reflect the very short term nature of the lease and the fact that Mr Stefos was carrying out aspects of the demolition works and other works to make good the cafe site that he wanted to continue to use. Let us be clear. Mr Stefos was always told in absolutely uncertain terms that he had a very short term lease on that site.

**Ms McRae:** You said “uncertain terms”. You mean “certain terms”.

**MR HUMPHRIES:** Thank you. He was told in very certain terms that he had a short-term lease on the site; that he should not have any expectations of having a long-term prospect of running a business on that site. I heard on the news last night Mr Stefos’s solicitor describe that as him being given a lease in arm twisting terms - take it or else. The fact is that the former Government took the view - a quite reasonable view, in my opinion - that the site had to be used for some other purpose in the long term and that a short-term lease was all that was appropriate. That was all that was on offer, and it was quite reasonable for Mr Stefos to have understood that when he took the lease.

It took some negotiating, but the lease was eventually granted to him on 17 February 1995. By that stage there was not much more than two years left to run on the lease. He knew that in May 1997 the lease would expire. He was never given any other impression of what was going to happen. You said in your question that he was told earlier this year that the lease would be terminated on 17 May. He knew that long before anyone told him that. You suggested that the reason given was that the building was to be demolished to make way for 10 car parking spaces. Undoubtedly, car parking will be accommodated on part of that site, but there is a much more important reason why that building is necessary now for other purposes. The block on which it is located forms the eastern boundary of block 4, the former GIO Building, which fronts Northbourne Avenue. A development application for a 120-suite hotel complex to be constructed by Civil and Civic and managed by the Holiday Inn organisation has been recently approved by PALM. In order to ensure the viability of this site, there has to be service access from Mort Street. That, unfortunately, has to be directly across block 13, Mr Stefos’s site. I have asked for exploration to be done of some alternative route for the access to block 4. Unfortunately, such a route is not possible. The block has to be accessed through block 13, Mr Stefos’s site. Therefore, there simply is not an alternative to the removal of the building on block 13.

However, we acknowledge that Mr Stefos has a small business that should be accommodated. The Chief Minister - Mrs Carnell - and I, in discussions with him, have offered some alternative arrangement. The arrangement that has been suggested to him is that he should take up an offer to run his cafe about 100 metres from where he is now,

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in the new Holiday Inn building - and, what is more, at a discounted rent that is less than the full commercial rent that would be applicable for a site like that. He has been offered that. I gather that that offer is still on the table and I sincerely hope Mr Stefos takes that offer up.

It is absolutely wrong to suggest that Mr Stefos has not had a sympathetic and high level of consultation about these issues. It is wrong to suggest that he was ever at any stage given any suggestion that he might have a long-term lease on that site. If, as you suggested, Mr Stefos invested \$300,000 in a lease which had a couple of years to run and which it had been explicitly stated he would not get renewed, with great respect, Mr Stefos is not a particularly wise businessman to have made a decision of that kind.

The Government would be happy to leave Mr Stefos where he is if it could find a way of leaving him there, but unfortunately it cannot. I think in all the circumstances you would do very well to go back to Mr Stefos and say that he would be very wise to take up the offer on the new site. I can understand his reluctance to do so. The reluctance would be based on the fact that he would be paying maybe four times the rent he is paying on the present site, but the reason for that is that he was given a very heavily discounted rent on the present Boomerang Cafe site because it was a very short term lease. Presumably, Mr Stefos wants a longer-term lease. He will have to pay something approaching the commercial rent for that area, which is about \$220 a square metre, not the \$50 a square metre which he is presently paying.

### **Commonwealth Minister for Tourism**

**MR WOOD:** My question is to Mr Kaine. Minister, you seem aware, at least to some extent, that the Federal Minister for Tourism, John Moore, has made a string of disgraceful attacks on, and derogatory comments concerning, the ACT over the past couple of months, saying, for example, that he wished more government meetings would take place in Sydney, that he detested Parliament House and that the ACT taxi service was a disgrace. Some of these comments were made in an address to a delegation from Japan being hosted by Canberra Tourism, and other comments that degraded the ACT were made in front of a combined meeting of tourism executives and Ministers from across Australia. Mr Kaine, as Minister for Tourism, why did you allow these remarks to continue unchallenged, as they reinforced the damage to the ACT tourism industry of Federal decisions such as the Prime Minister's decision not to live in the Lodge? Further, why were you unaware, as I could discern, until a minute ago that the Chief Minister had raised the problem with the Prime Minister? Finally, when will you interest yourself in the matter of defending Canberra?

**MR KAINE:** Mr Speaker, it is a sad fact - and we are all aware of it - that Federal Ministers and members of the Federal Parliament often take some pleasure in knocking Canberra. The reason for that is obvious. It gets them votes where they get elected. This Minister that Mr Wood is talking about now is no different to any of the others over there. I do not control the way that members of the Federal Parliament behave.

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I wish I could; but unfortunately I cannot, any more than Mr Wood, Mr Berry or any of the others could when they were Ministers. I do not hold myself accountable for what they say and do. I express my displeasure when I have the opportunity and the occasion to do so; but, short of declaring war on the Commonwealth and carrying out an assault on the Federal Parliament, I am not too sure how I can influence them, other than by speaking to the person personally when I have the opportunity to do so. Fighting a paper war does not get you far. I can write lots of letters, but what good does that achieve? None. While I agree with Mr Wood that it is undesirable and I do not approve of or endorse it, I am afraid there is very little that I can do to prevent it.

**MR WOOD:** I ask a supplementary question. I take issue with the point that there was very little that you could do. There was not anything that you did. Could you not have publicly defended the ACT?

**MR KAINE:** I think I publicly defend the ACT practically every day of my political life. I do not just focus in on what one member of parliament across the lake says. I do not think that I have to apologise for my performance. I certainly do not apologise to Mr Wood for my performance as a member of this place over many years, in fact for a lot longer than either Mr Wood or any other member opposite has been here.

### **Chlorofluorocarbon Gases - Disposal**

**MS REILLY:** My question is to Mr Kaine in his capacity as Minister for Urban Services. Minister, why is your Government allowing people who are contracted by the Government to collect junk at the landfill areas to openly puncture and release CFC gas when gathering refrigerators? Is it not the case that the Government requires CFC gases to be recovered and disposed of properly?

**MR KAINE:** I am not sure that this is a question that I should be dealing with. If you want to address the question to the Minister for the Environment, feel free to do so.

**Mr Whitecross:** Mr Speaker, can the Chief Minister take her Minister to task for not knowing his portfolio? She is ducking and hiding.

**MR SPEAKER:** No.

**MR KAINE:** Mr Speaker, I am totally unaware of the circumstances to which Ms Reilly refers. If she is prepared to give me the detail, I will examine the matter and come back to her with a comprehensive answer.

### **Traffic Management - Lyneham**

**MR MOORE:** My question is to Mr Kaine in his capacity as Minister for Urban Services. Mr Kaine, can you explain to us why your department seems to be prepared to proceed with traffic lights on the corner of Mouat and Brigalow Streets in Lyneham prior to a time when the whole issue of how the traffic flows has been resolved, particularly when the establishment of traffic lights without a duplication of Mouat Street is likely to increase traffic flows through Lyneham and create more problems than it will resolve?

**MR KAINE:** The question of what should be done in Mouat Street has been on the books for a long time. In fact, I understand that you personally attended a public meeting on this matter only last weekend. The problem flows from the refusal of the National Capital Authority to allow Ginninderra Drive to be extended, as was always intended, through to Northbourne Avenue. That creates a long-term problem for Mouat Street and the people who live on it. There have been a number of proposals over the years as to how that might be alleviated. Some would argue, I suppose, that if we built the John Dedman Parkway, which a lot of people here seem to oppose, it would take the pressure off and the people in Mouat Street might feel a lot more comfortable with the situation.

That seems not to be a short-term solution, so our traffic engineers have been looking at other ways of alleviating the traffic flow there, or slowing it down, and reducing the noise level for people who live nearby. I think that they have had to make some decisions in the short term while they are waiting for parliaments, both this one and the one across the lake, to make up their minds about what the long-term solution to the traffic problems in northern Canberra is. If that includes a set of traffic lights in the short term to slow people down, alleviate the noise and make it a bit more pleasant for the people who live there, then perhaps that is the right solution.

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

### **ACTAC Building - Security Arrangements**

**MRS CARNELL:** Mr Speaker, I wish to give an answer to the question which Mr Osborne asked and which I took on notice. The answer that I have been given is yes, the building owner was consulted and oral approval was given. With regard to Customs staff, some Customs staff expressed concerns about some of the initial delays. Since the teething problems have been sorted out, there have been no formal complaints whatsoever. The cost was \$39,000, not \$70,000. Where the \$70,000 might have come from is that that was the cost of maintaining the old system over the last 12 months.

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### **Totalcare Incinerator**

**MR HUMPHRIES:** Mr Speaker, on 27 February I took on notice a question from Ms Horodny concerning the incineration of chemicals at the Mitchell incinerator. I table the answer to the question.

### **Emergency Assistance Funding**

**MR STEFANIAK:** Mr Speaker, on 27 February 1997, Mr Osborne asked me a question relating to emergency financial assistance for families. I took a supplementary question on notice. I subsequently provided Mr Osborne with an answer in writing. I table the answer. I would now seek leave to have this answer incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 1.*

### **ANSWERS TO QUESTIONS ON NOTICE**

**MS REILLY:** Mr Speaker, I seek an explanation under standing order 118A. I ask the Minister for Housing for an explanation for the delay in answering question on notice No. 388 relating to the Kick Start housing assistance program.

**MR STEFANIAK:** I understand that has been answered. I signed that off to the member yesterday. I do not know that there was too much of a delay there. Certainly, I was concerned to ensure that the figures were accurate and that the specific question asked by the member was answered. That actually has been answered now.

**MR SPEAKER:** Yes, I appreciate it has been answered. But it is still relevant for Ms Reilly or any other member to ask about the reason for the delay. You have given an explanation, as I understood it, that you were checking the accuracy of figures.

**MR STEFANIAK:** Indeed, Mr Speaker; yes.

**MR SPEAKER:** It is perfectly in order for a member to ask that question, even though the question has been answered. I think it was Ms Horodny who raised that some time ago.

**QUESTION TIME**  
**Definition of “Hypothetical”**

**MR SPEAKER:** Members, at the meeting of the Assembly on Tuesday, 25 February, Mr Whitecross requested that I advise the Assembly of my definition of the word “hypothetical”. I undertook to do so. Mr Whitecross’s request followed my ruling that a supplementary question without notice was out of order, on the ground that it was hypothetical. The *Macquarie Dictionary* gives detailed definitions of “hypothesis” and “hypothetical” which I will not read to the Assembly. *House of Representatives Practice* states:

The purpose of questions is to enable Members to obtain factual information or press for action on matters for which the Minister questioned is responsible to the House.

It refers to the very detailed provisions contained in the House of Representatives standing orders, on which our standing orders, including standing order 117(b)(vii), are based, whose primary objective is to ensure that this purpose is given effect to. It states:

In particular, they attempt to restrain the questioner from giving unnecessary information or introducing or inviting argument and thereby initiating a debate.

In relation to the rule that questions should not contain hypothetical matter, *Parliamentary Practice in New Zealand* states:

The reference to hypothetical matters is important. In seeking answers to questions, members are seeking information on existing factual situations. They are not permitted to construct hypotheses and put artificial propositions to Ministers. The most obvious way in which hypothetical matter is introduced is if the question contains a conditional clause - usually beginning with the word “if” - postulating a state of affairs which does not exist. Such questions will usually be out of order on the further ground that they seek an expression of opinion by the Minister, which is also not allowed.

This would not preclude out of hand a question seeking information on legislation or Government policy, even though there is no particular case cited in the question. It would be in order to seek information on whether the Government had a contingency plan for a given situation and seek details of the plan or seek details of the effect that a particular Government decision or policy would have. It would not be in order to base a question on an assumption that was clearly groundless or hypothetical. Having considered the proof *Hansard* record of the supplementary question ruled out of order, I do not now consider that the question is hypothetical, as the question relates to querying Government policy in relation to the conduct of inquiries, which the Minister had spoken about in the answer to Mr Berry’s first question. However, the question could be perceived to have contained an imputation or inference, and I remind members of the provisions of standing order 107 in respect of those two matters.

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**STUDY TRIP  
Paper**

**MR SPEAKER:** For the information of members, I have received a report on a trip undertaken by Mr Hird, MLA, to Sydney on 1 and 2 April 1997.

**FINANCIAL MANAGEMENT ACT  
Report**

**MRS CARNELL** (Chief Minister and Treasurer): Mr Speaker, for the information of members and pursuant to section 26 of the Financial Management Act 1996, I present the consolidated financial management report for the period ending 31 January 1997, which was circulated to members when the Assembly was not sitting.

**SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION  
Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for approval of code of practice, determinations, directions, instruments of appointment, regulations and specified trading hours. I also present a notice of commencement for the Uncollected Goods Act.

*The schedule read as follows:*

Bookmakers Act - Directions for the operation of a sports betting venue - No. 48 of 1997 (S64, dated 7 March 1997).

Health and Community Care Services Act - Determination of fees and charges - No. 54 of 1997 (S79, dated 1 April 1997).

Liquor Act - Liquor Regulations (Amendment) -

No. 3 of 1997 (S67, dated 11 March 1997).

No. 4 of 1997 (S68, dated 12 March 1997).

Motor Traffic Act - Determination of road rescue fee - No. 53 of 1997 (S78, dated 27 March 1997).



Nature Conservation Act - Determinations of criteria -

No. 46 of 1997 (S49, dated 26 February 1997).

No. 47 of 1997 (S49, dated 26 February 1997).

Nurses Act - Instruments of appointment to the Nurses Board of the ACT -

No. 51 of 1997 (S77, dated 27 March 1997).

No. 52 of 1997 (S77, dated 27 March 1997).

Occupational Health and Safety Act - Approval of Steel Construction Code of Practice for application in the Australian Capital Territory - No. 57 of 1997 (S82, dated 2 April 1997).

Public Place Names Act - Street nomenclature omitting Boxall Street and determining Whiteley Street in the Division of Conder - No. 55 of 1997 (S80, dated 1 April 1997).

Smoke-free Areas (Enclosed Public Places) Act - Determination of fees - No. 56 of 1997 (S81, dated 2 April 1997).

Trading Hours Act - Specified trading hours of large supermarkets on -

Wednesday, 26 March 1997 - No. 49 of 1997 (S73, dated 21 March 1997).

Thursday, 27 March 1997 - No. 50 of 1997 (S74, dated 21 March 1997).

Uncollected Goods Act - Notice of commencement (19 March 1997) of remaining provisions (S71, dated 18 March 1997).

## **PAPER**

**MR HUMPHRIES:** (Attorney-General): Pursuant to standing order 83A, I present an out-of-order petition lodged by Mrs Carnell from 292 citizens and relating to the methadone clinic dispensary in Civic.

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**PREMIERS CONFERENCE AND AUSTRALIAN LOAN COUNCIL  
Ministerial Statement**

**MRS CARNELL** (Chief Minister and Treasurer): I ask for leave of the Assembly to make a ministerial statement on the Premiers Conference and the Australian Loan Council held on 21 March 1997.

Leave granted.

**MRS CARNELL:** This year's Premiers Conference was again held in difficult economic circumstances, with States and Territories fearing that they would again be the main target of the Commonwealth's spending cuts. The Commonwealth's offer to the ACT represented a real reduction in general purpose funding for the seventh year running, this time of the order of 1.4 per cent and at a time when the Territory economy is in recession and the average real increase to the States is approximately 1.9 per cent.

It was certainly not something we were willing to take on the chin, arguing strongly that the ACT's economy had been particularly hard-pressed, to put it mildly, by the Commonwealth's spending cuts and that the Territory's current economic circumstances were a direct consequence of the Commonwealth's fiscal policies. While we sympathised with the Federal Government's need to close the budget black hole left by Paul Keating, we pointed out that it made no sense to require direct contributions to that deficit reduction from the ACT while we had problems that were significantly worse.

The lobbying prior to the Premiers Conference, as members can imagine was intense. I am able to report that my Government's efforts, though, were very fruitful both prior to and during the conference. Without such lobbying, the ACT's grants position would have been considerably worse than that reached at the Premiers Conference.

Mr Speaker, there were four particularly good outcomes achieved for the ACT at the 1997 Premiers Conference that I would like to outline. In the first case, prior to the conference, I pursued additional funding to the ACT in the form of an extension of transitional allowances. Against a backdrop of strong opposition from the Federal Treasury, we won approval from the Prime Minister to argue our case before the Commonwealth Grants Commission and, in fact, came away with a two-year extension of transitional allowances. The commission recommended an additional \$10m in 1997-98 and \$5m in 1998-99; and at the Premiers Conference the Prime Minister honoured that recommendation.

In the second case, I have been able to convince the Federal Government to reduce the ACT's fiscal contribution to its deficit reduction strategy in 1997-98. All States and Territories, with the exception of the ACT and Tasmania, will make payments totalling \$627m in 1997-98, in accordance with the schedule agreed at the 1996 Premiers Conference. I took to the Commonwealth the case that it should not expect contributions from budgets in an even more difficult situation than its own. We again had success on this issue. In recognition of the ACT's difficult economic circumstances, which  
are

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a direct consequence of Commonwealth Government fiscal policies, the required contribution for the ACT of \$10.8m in 1997-98 was cut in half. The payment of the remaining \$5.4m has been deferred until 1998-99. Whether or not these payments will be required will be considered in light of the Commonwealth's fiscal position at next year's Premiers Conference and, of course, the ACT's fiscal position.

Thirdly, prior to the conference, I was also successful in convincing the Commonwealth to review their decision to charge the ACT \$27.6m for a longstanding claim relating to ACT forests. This issue has been outstanding since the time of self-government. The ACT has debated this issue with the Commonwealth over the last seven years; in fact, every year over the last seven years. Last year the Commonwealth requested that the ACT pay approximately \$6.7m per annum for four years. After significant negotiation and other work as well, the Commonwealth has finally agreed that the ACT does not owe them anything for these assets. The matter is now settled; the forests now belong to the ACT.

Fourthly, after being nominated by State and Territory leaders at the States and Territories meeting, which I hosted prior to the Premiers Conference, to lead the debate on Commonwealth funding for housing, I am happy to announce that the Federal Government is committed to the restoration of full-year CSHA funding for 1997-98, unless a Commonwealth-State Housing Agreement is negotiated by 31 December 1997. Indeed, if all jurisdictions have not signed a new agreement by Christmas, a further full year's funding should be provided for 1998-99. This will ensure that housing for the needy is not cut and will allow for the continuation of the public and community housing program in the ACT.

All in all, these wins have reduced the financial burden on the ACT by some \$26.1m in 1997-98 and by \$53.7m in total when the forestry cuts are taken into account. As an overall result, total Commonwealth funding to the ACT in 1997-98, after allowing for increases in transitional funding partially offset by reductions in SPPs, will be \$9.4m less than this year - a reduction of 3.5 per cent in real terms. All States and Territories went to the Premiers Conference unsure of the cuts the Commonwealth had planned for specific purpose payments. Indeed, SPP allocations turned out to be the major point of contention.

As a consequence, the States and Territories sought urgent clarification of SPPs and other payments, to enable all jurisdictions to complete their budget processes with some certainty. I, along with other Premiers and Chief Ministers, had expected the Commonwealth to abide by their foreshadowed SPP reductions outlined at the 1996 Premiers Conference, subsequently in the 1996-97 budget, and again in a letter sent to all Premiers and Chief Ministers in August last year. The reductions totalled \$260.3m in 1997-98, equivalent to a reduction in funding of 1.4 per cent. However, the offer document suggested additional reductions of up to 1.3 per cent, equivalent to \$236.5m. This further imposition was unacceptable to all State and Territory heads. As a result, the conference wound up without a satisfactory resolution.

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Consequently, all States and Territories await confirmation from the Federal Government as to the fine details regarding SPP reductions. It is expected that a final decision will be made by the Prime Minister in the context of the 1997-98 budget. The ACT is of the opinion that the initial funding cuts of 1.4 per cent are the limit of our capacity to absorb any decrease. Additional reductions of up to 1.3 per cent, on top of the 1.4 per cent, are overly severe, given that they will impact on the capacity of the ACT to deliver essential services to the community. Finally, Mr Speaker, the Commonwealth agreed to provide competition payments to the ACT totalling \$3.6m in 1997-98, subject to the recommendations of the National Competition Council.

Premiers Conferences have never been pleasant experiences for any Chief Minister from the ACT. In every year since self-government, the ACT has suffered significant funding cuts from the Commonwealth. However, having gone into this conference facing the possibility of funding cuts and payments to the Commonwealth totalling more than \$30m and coming away with a cut of less than \$10m, I have to say that it was probably a reasonable result for the people of the ACT. Of course, I, along with my colleagues, will continue to put pressure on the Commonwealth, as I am sure everybody in this place will do, to come clean on foreshadowed reductions to SPPs and to understand that reductions in specific purpose payments inevitably mean reductions in services. I present the following paper:

Premiers Conference and Australian Loan Council held on 21 March 1997 -  
ministerial statement, 8 April 1997.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **CANBERRA/NARA PEACE PARK** **Discussion of Matter of Public Importance**

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

That this Assembly supports the Chief Minister in standing firm in naming of the Canberra/Nara Peace Park in the face of pressure from the Federal Government and the RSL to change the name.

**MR OSBORNE (3.44):** I have proposed this matter of public importance because I believe it raises several issues which deserve the attention of this Assembly. The first is a matter of sovereignty; the second, a matter of belief about the meaning of peace and forgiveness; and the third, my concern that this issue has been cynically manipulated by an individual to exact revenge for a personal slight. I will deal with these issues in reverse.

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Let us stop for a moment, Mr Speaker, and consider how this whole sorry mess began. The Canberra/Nara Sister City Committee proposes a peace park to celebrate the arrival of the mayor of Nara. The national president of the RSL, Major General Digger James, rings the Chief Minister and asks for the word “peace” to be removed from the title because Japan has yet to offer an outright apology for its role in World War II. Unhappy with the Chief Minister’s response, General James rings the Prime Minister. The Prime Minister then rings the Chief Minister and tells her to change the name of the park and then tells the general what he told Mrs Carnell. The general then recounts the whole tale to the *Canberra Times*.

Mr Speaker, something odd strikes me. The RSL’s complaints could have been made in private; the telephone call to John Howard and John Howard’s call to Mrs Carnell could have stayed behind closed doors; but, for some reason, the RSL decided to call in the *Canberra Times*. Why? Surely, if the issue was simply a matter of trying to do the right thing by Australia’s ex-service men and women, there was nothing to be gained for them by public grandstanding. If the Chief Minister was of a mind to change the name of the park, she would have had more room to move if it was handled in private; but by bringing it out in public the Chief Minister and the Nara committee were forced to be either humiliated by backing down or ridiculed for going their own way. By making the issue public, a dignified retreat and a quiet resolution of the issue were denied to all parties.

Which public relations genius masterminded this pathetic episode? Was it the person who had been on a \$1,000 a month retainer with the RSL since 1993, a position she resigned from only last week? Could it have been Jacqui Rees who has now popped up in yet another incarnation? If it was, what inspired her to do so? Did she honestly believe that raising this issue would honour the memory of our ex-service men and women? Did she think it would benefit the people of Canberra or Australia? Did she really believe it would have the slightest chance of extracting a properly worded apology from Japan? Or did she raise the issue and make it public in order to humiliate the Chief Minister because the Carnell Government had tried to remove her from the Interim Kingston Foreshore Development Authority? Mr Speaker, I cannot answer these questions. No-one but Ms Rees can. I trust she is at ease with her conscience, because, if this campaign was, even in part, motivated by a personal vendetta, then her actions would be beneath contempt. If it was, then she would be using the memory of our fallen for petty political point-scoring.

On the issue of peace and forgiveness, Mr Speaker: I am well aware of the sacrifices made by Australian soldiers in the world wars, especially World War II, as members of both my family and my wife’s family died in the conflict. I am proud of them and the history of this country in standing up and being counted when it mattered. But I always thought they were fighting for peace; I thought that was the whole point. It is true that Japan has never properly apologised for the war. This is regrettable and does that country no credit. However, the reality of the situation is that we have been at peace with Japan since 1945.

Think of the wisdom of those who engineered the peace with Japan in the years immediately after World War II. Rather than exacting retribution, the Western powers moved to assist in rebuilding that country. Those leaders, in their wisdom, chose not to repeat the mistakes made after World War I, when the harsh treaty with Germany helped

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to set the scene for World War II. Think of the way the father of the Liberal Party, Bob Menzies, viewed Japan. Menzies had lived through the war; yet in the early 1950s he invited a small delegation of Japanese industrialists to Australia. In his book *Flying the Kite*, former Labor senator John Button says the invitation was courageous and prescient, given the post-war political climate at the time. Mr Button describes it as a seminal point in Australia-Japan relations. Five years after the war Bob Menzies was looking to the future. It is now 52 years since the war, and John Howard has his eyes firmly fixed on 1945 and on an issue so petty that it is pathetic to watch.

Like war, forgiveness and peace require courage from our leaders. In the Gospel of Luke we are told that in the moments before Jesus Christ died He called on His Father to forgive those who were crucifying Him, "for they know not what they do". Sometimes we have to be large enough to forgive people in spite of their actions. Sometimes the only way forward is to bury the past. This is such a time. If Western leaders, like Menzies, showed the courage to embrace peace in the shadow of the war, when the wounds of those who had lost loved ones were still raw, why is our current Prime Minister afraid to stand up and be counted among them? If he feels so strongly about the issue of a Japanese apology, then I suggest he make his feelings known to the Japanese Prime Minister, who will be visiting Australia shortly after the visit of the delegation from Nara and shortly after Anzac Day. There could be no better forum than this. It would have far more impact than beating the ACT about the head over a tiny piece of ground near the lake, where we hope to celebrate the special relationship we have with our friends in Nara.

I finish by saying that there was one more reason to stand up to the Federal Liberal Party. This party has shown nothing but contempt for the ACT since coming into power last year. This party has ripped the heart out of this town; and the Prime Minister has expressed his feelings with his feet. He is neither resident nor ratepayer; so, to me, his opinion on local issues is less important than the opinion of any one of my constituents in Brindabella. This Assembly has been given responsibility for this town's affairs, and we should resist any attempts to be directed on local matters by a government which has scant regard for our wellbeing. If the Federal Liberal Party wants to run Canberra, then it should resume control of all its affairs and not just interfere when it sees fit.

**MRS CARNELL** (Chief Minister) (3.52): When we debate this issue we have to look at it as, I think, two separate issues because there have been two issues raised. The first concerns issues raised by Digger James, Jacqui Rees and, I suppose, the Prime Minister indirectly about the appropriateness of the word "peace" in the title of the park and the timing of the mayor's visit. The second issue relates to the process undertaken in developing the concept of the park, its name and, in particular, the consultation process that was actually undertaken.

I will take the RSL's and others' concerns about the word "peace" first. The Canberra/Nara Sister City Committee have been the people involved in this whole process all the way through. I think members of the Assembly would have heard that the mayor of Nara made the comment yesterday that he did not put the name forward; that, in fact, he did not mind what the park was called. The people who minded what the park was called were the people who actually decided on the name, and that was the Canberra/Nara Sister City Committee. The park is in no way a war memorial.

The Canberra/Nara Sister City Committee have said to me that, if the park was a war memorial in any way whatsoever, of course they would have spoken to the RSL about it. It simply is not a war memorial; it is a symbol of Canberra's relationship with Nara; it has nothing to do with Australia's relationship with Japan at that level. General James is quoted in the *Canberra Times* of 25 March as saying that the whole basis of the ACT's motives appeared to be commercial. The only commercial value of the development of the park was possibly as a new tourist attraction to encourage people from Nara to come to see the lanterns that they donated to the people of Canberra. The whole aim of the park is, and must be, to foster friendship and goodwill between two cities and to develop mutually beneficial ties.

It seems to me also incredible, Mr Temporary Deputy Speaker, that the RSL sees the timing of the visit as insensitive or inappropriate, given its proximity to Anzac Day. Again, if this was a war memorial, possibly that would be the case. But the fact is it is not; it is a sign of friendship between two cities. It is unfortunate that some people have attempted to use this issue as a tool in a dispute between two governments. The issue of the peace park has nothing to do with the ACT's position on the Japanese apology for World War II; it is all about friendship. Mr Moore will remember that when he and I were in Japan in 1995 the mayor of Nara got up in front of 3,000 people from Nara, which I thought was a very courageous thing to do, and apologised for any atrocities, any indiscretions - and that would be an understatement - that occurred during the Second World War. In terms of the relationship between Nara and Canberra, the issue is simply non-existent.

The Canberra/Nara Sister City Committee have been very strong on this, Mr Temporary Deputy Speaker. They believe that this sort of a gesture of friendship is something extremely important to the people of Canberra. One of the things I think we have to remember is that the stone lanterns and the memorial stone that will be laid in the park are not gifts from the Nara government to the ACT Government; they are gifts from the Nara people to the ACT people. They were made possible as a result of donations made by the people of Nara to a fund to give a very special present signifying our friendship, peace and the future of the relationship between our two cities. I think it was an enormously generous gesture from the people of Nara and something that we really should be very positive about.

I am very disappointed that some people have chosen to use this as the basis for again bringing to the fore some old antagonisms. It has brought to the fore a lot of the distress that many Australians suffered at the hands of the Japanese in World War II. Certainly, that was never the intention of either the Government or the Canberra/Nara Sister City Committee; quite the opposite. I know that they would like me, on their behalf, to make the comment publicly that what they are attempting to do here is create a situation where our children can look forward to friendship, peace and understanding in the future between two cities. That is their motivation. They are, as am I, disappointed - and I suppose we regret - that there has been any concern by anybody in the RSL or any returned soldier as a result of the use of the word "peace".

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Again, the issue of consultation is a very interesting one. Many people have made the comment that somehow the consultation process was not appropriate. It is important for members to be aware that the concept of a peace park is not a new one. In fact, the consultation process undertaken for this issue was actually quite extensive. Members may recall that the idea of the peace park was first raised by me in this very chamber on 12 December 1995 as part of a ministerial statement on the 1995 ACT business delegation to Japan. I quote from that statement:

We will consider the establishment of a peace park in Canberra ... and house the large Japanese lantern -

it turned out to be two lanterns -

the mayor has indicated he will present during his visit early in 1996.

That, of course, became 1997. This issue has been in the public domain since then; that is, since late 1995. In fact, an article on the peace park appeared in the *Canberra Times* on 22 December 1996. The matter of the peace park was also brought before the Assembly's Planning and Environment Committee on 14 February 1996, at which time the committee was provided with a full briefing on the park. If anybody is interested in any of those documents, I have them available.

Any claims that somehow this issue was dreamt up overnight or was dreamt up without adequate consultation are blatantly untrue. In early July 1996 a meeting was held with NCA officials to discuss the establishment of a peace park. The minutes of the Canberra/Nara Sister City Committee meeting of 21 August 1996 record the informal discussions that occurred with Mr Ratcliffe, head of the NCA, on the issue. The NCA have continued to be involved in and supportive of the concept, as reflected by recent comments by Air Vice Marshal David Evans, the chairman of the authority. In fact, in a letter dated 12 November 1996, David Wright, the Director of Strategy Planning at the NCA, said:

I refer to our recent on-site discussions regarding the above proposal [Nara Peace Park at Lennox Gardens] and confirm that the Authority would consider favourably the use of any of the three sites considered at the end of the path leading down to the end of the peninsula at Lennox Gardens.

The issue of the peace park also should not have been a surprise to Ms Rees, who has been very vocal on this issue. On 7 February 1996, which is more than 12 months ago, I attended a meeting of the Interim Kingston Foreshore Development Authority at which Ms Rees was present, and we actually discussed the Government's position in relation to the concept of a peace park. It is all in the minutes of that meeting over 12 months ago. I certainly find the context of Ms Rees's eleventh hour protest, shall we say, somewhat baffling, if not maybe a touch opportunistic.



The community has played a major part in the development of the park, principally by way of the Canberra/Nara Sister City Committee - a committee which is made up of a broad spectrum of community representatives. Members will be aware that it was only after consulting with the committee that the Government resolved to retain the word "peace" in the title of the park. The committee believes that the name "Canberra/Nara Peace Park" expresses perfectly the relationship between the citizens of our two cities, which has been built up by many of our citizens and many of our schoolchildren paying reciprocal visits to Nara. I can report to members that the committee was dismayed by, as they called it, "the racism and bigotry displayed over this issue". It is important that we do not lose sight of the aims of this peace park and the sister city relationship between Canberra and Nara. Those things are particularly important.

That was why I was very disappointed when I heard Mr Whitecross burning up the airwaves in condemning the Government for failing to listen to the community on this issue. Clearly, he has a very strange idea of what constitutes the Canberra community and what listening is all about. Mr Whitecross seems to think that we should simply accept the views of Digger James, who does not live in Canberra, and maybe John Howard, who does not live here either. Indeed, I think that would be a very strange set of bedfellows - Digger James, John Howard and Andrew Whitecross. It was a very novel, new definition of community consultation: "Do not listen to the views of the Canberra-based committee that was set up to do this job; instead, listen to the advice of out-of-towners". I can only think that Andrew got a little befuddled towards the end of the week and forgot who lives in Canberra and who does not.

I would be very disappointed if those opposite did not support this approach on the peace park. I was hopeful early in this debate that it would not become a political issue. Certainly, I know that the relationship between Nara and Canberra was something very important to Rosemary Follett, Ms McRae and others who have been very much part of it. I hope very much that it was a momentary lapse from Mr Whitecross and that he did not really mean what he said at all.

**Mr Berry:** It was spot on.

**MRS CARNELL:** Mr Berry now says that it was spot on. I think that is a pretty unfortunate approach, Mr Whitecross.

**Mr Berry:** I think you are misinterpreting what he said and what his position is.

**MRS CARNELL:** No, not at all. I actually have the transcript, Mr Berry. What we will end up with next week, if Mr Berry and Mr Whitecross both believe that it is appropriate to take the views of Digger James and John Howard on the issue of a park name in Canberra, will be Mr Whitecross telling me that I should pay attention to Jeff Kennett on public sector policy, Rob Borbidge on native title or maybe Pauline Hanson on multiculturalism. I have to tell you, Mr Temporary Deputy Speaker, that I will not be doing that, because I believe we must keep this issue at a local level. We must not put ourselves in a position where we allow people who do not even live in this city to dictate what we should call a park or what the timeframe of our opening a park should be.

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If we believe the Canberra/Nara Sister City Committee should represent the community on issues like this - and certainly the previous Government did, and we believe it should - then I feel very strongly that this Assembly should support the Canberra/Nara Sister City Committee in their views that the Canberra/Nara Peace Park is an appropriate name; but, most importantly, that these things should be determined at a local level between the people of Canberra and the people of Nara - not by the RSL, not by the Prime Minister, but by the people of Canberra. That is what has happened.

As I have spelt out, this consultation process went on for a very long time. It started off in 1995 with my making a statement in this house. It went to the Interim Kingston Foreshore Development Authority; it went to the NCA; it was in the *Canberra Times* in 1996. On 14 February 1997 the Planning and Environment Committee looked at it as a peace park, very definitely. I believe very strongly that we, as an Assembly, must say that we will listen to the people of Canberra; we will listen to people who live in and who love this city, not outsiders. That is what this is all about.

**MS McRAE (4.07):** If ever there was a disaster that could have been foreseen and dealt with, this was one. We have now heard Mrs Carnell's definition of community consultation. It is making a statement in the chamber, having some random article appear in the *Canberra Times*, talking to the NCA, talking to the Interim Kingston Foreshore Development Authority and popping something into the Planning and Environment Committee. I do not think that adds up to the same idea of community consultation as anybody else holds. Therein lies the nub of this problem. It seems that this Government, by its action, has hit a brick wall. It cannot accept that there may be impediments to anything that it wants to single-handedly do.

This whole sorry saga is a cogent and sad commentary on a failure of leadership. What we require from our leaders is some clear thinking, some anticipatory thinking, on problems that they are likely to encounter and how they will deal with those problems. It is of absolutely no use hiding behind a random committee or anyone else. Our leaders need to think through the consequence of this action, whom it is going to affect and how they can deal with the possible downsides of it. This is where there has been no action taken in anticipation.

The messages were loud and clear that anything that was going to be put by the lake was going to meet with strong disapproval; it did not matter what it was. The futsal slab raised an enormous storm of protest. What was the protest about? It was about the fact that no-one, but no-one, had heard of the fact that it was going to happen there until it happened. Sure enough, the NCA had been spoken to. Perhaps there had been an article in the *Canberra Times*, although I did not see it. Mrs Carnell may well have made a statement about it, and maybe even the Kingston foreshore committee might have heard about the futsal slab. But the people of Canberra did not. Therein already lies the first signal - the fact that this was going to cause a problem. It does not matter what it is, the lesson is there.

**Mrs Carnell:** It is a park.

**MS McRAE:** It does not matter, Mrs Carnell; and therein lies the nub of the problem. Since I have lived in Canberra we have known that people hold very strong opinions about anything that happens around the lake. It is a great pity that this process went ahead without anybody ringing the warning bells and saying, "Hang on a minute; this might just cause a tad of a problem". We heard all the noise about the proposed wedding chapel that has not come through; we heard all the noise about jet skis; we even heard from Mr Moore, as I remember, something about rallies that he did not like around the lake. We had a debate on that. It is quite clear that anything to do with our lake needs to be handled with great sensitivity. Therein lies the problem.

The fact that it is a peace park is to be applauded; the fact that we are honouring our sister city, Nara, is to be applauded; the fact that it is to go ahead is to be applauded. But where we have to go from here is to say, "What does this tell us about how issues should be dealt with in Canberra? What does this say about the attitude of the people of Canberra to this Government?". The message is that the people do not like high-handed, arrogant decisions; the people do want to be treated with a level of respect and to be included in decisions that are to be made about places that are near and dear to them. Yes, the issue came to the P and E Committee, but by then it was a fait accompli. What was clear to the P and E Committee, as it is clear to the Assembly now, was that we can no longer rely on our elected leaders being left to their own devices when it comes to consultation. They clearly do not understand the meaning of the word. I have listed the consultations; they told the Assembly about it a couple of years back. In fact, the Assembly was also told about the possibility of a peace park when we were chasing an answer on the future use of the SWOW building. It was referred to then as a possible site for a peace park. It was again referred to in the P and E Committee papers as a site for a peace park.

There is nothing wrong with the concept of a peace park. There is nothing wrong with the peace park where it is going to be. What is fundamentally wrong is that this Government's idea of consultation is completely out of tune with that of the rest of Canberra. Worst of all, by allowing the NCA to have anything to do with it, this poor Government is led even further astray. The NCA's idea of consultation is to decide something, do it and then say, "Oh, dear; people do not like it. Is not that strange? How strange it is that they do not like it! We thought it was a good idea. Mrs Carnell thought it was a good idea, so we said, 'Yes; go ahead and build the futsal slab. Yes; go ahead and have a wedding chapel. Yes; go ahead and do the peace park' ". I would have thought that, with a little experience, somehow the warning lights would have gone on and somebody would have said, "This NCA lot is not much chop when it comes to community consultation. Maybe we just have to rethink this issue. Maybe we should talk to a few more people. Maybe an odd article in the *Canberra Times* and an odd statement in the chamber just is not enough". What we are hearing loud and clear is that people care passionately about Lake Burley Griffin; people care passionately about the shape, the size, the colour and the style of their city; and people want to be included in the decision-making.

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It is probably true that, were people asked, they would be entirely in favour of the peace park and are entirely behind the concept. But that is not the point. The point is that they were never asked. The point is that it just happened. The point is that nobody stopped to think and say, "Hang on a minute; if we are going to put a peace park on national land some national organisations just might be a little worried". That is what we want from our leaders - somebody there thinking, "Hang on a minute; who is going to respond to this decision? How are they going to respond? Are we creating problems?". That is what we pay our leaders for. All of us can come up with ideas. I could name sites for 50 parks; we could put them everywhere. It is not the point. The point is: How do you achieve a successful outcome? That is the art of good leadership, and that is what is missing.

What I propose is that tomorrow we have a motion on this matter, because we can no longer just leave this consultation process to the NCA, which somehow thinks that its role is simply to put ticks and crosses here and there, and walk away as if the rest of us do not exist. It is not enough to leave things to our leaders here because, clearly, they are hiding behind what a committee may say. Of course, the Canberra/Nara Sister City Committee is going to be supporting this park; that is their job. But it is not their job to run the consultation process. It is not their job to worry about whether Mr Howard or anybody else is going to be worried about it. Their job is to simply siphon the idea and say, "Yes; this is what we want, and this will advance peace". It is not good enough to say that they represent the community view. They were never asked to.

We need to come back to this Assembly with some consultation processes, after the Government has had a chance to ratify them, that we know will be put in place - some protocols that are clearly spelt out and that are public, just like they are for a range of other major planning decisions. For heaven's sake, people cannot put up pergolas or a minor extension to their house without everybody having a say. Why on earth should we allow parks, futsal slabs, chapels, jet skis, rallies around our lake and anything else without our having a say? The clear lesson out of all of this is that we can no longer rely on adhocery and the goodwill of the NCA and that this Assembly must learn from this and take back control. Tomorrow we will have an opportunity to put forward and debate the idea that this Assembly, after the Government has had an opportunity, determine a series of consultation protocols which will then become mandatory in regard to these matters. Then, at least, we can collectively exercise good leadership in that we can anticipate issues; we can defuse the problems; and this can lead to an outcome which means we do not have the ugly brawling that we have seen thus far.

**MR MOORE** (4.17): Mr Temporary Deputy Speaker, for me, this speech will not be about some of the side issues of wedding chapels, processes and so forth. I think those have been dealt with by other speakers or have been determined. To me, it is important that we actually talk about the very principle involved here. To me, one of the most delightful things about being a member of the Chief Minister's official delegation to Japan was seeing the emphasis that Japanese people put on peace. In some ways it is quite ironic, then, that we, as a country that was at war with them, do not seem to have grown

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beyond the sorts of attitudes that resulted in the problems that we and so many others had in World War II. When I say “we”, I am speaking generally. I think it is important to recognise that probably most Australians do have these views, but there still exists within Australia a clear attitude that peace is not the most important thing; there are issues of pride and other issues that are much more important.

We come up with this issue that people have begun to talk about - the need for an apology. These demands for apologies are something that I have heard only recently, I must say - maybe in the last half decade or so. It seems to me that, as a nation, we sat down with another nation after a war and signed a peace treaty. That is an agreement to look forward, not a dwelling on the past. That peace treaty is the very thing that we should dwell on and is the very issue that comes up with regard to this park and our ties to Nara. When I was in Japan, I visited a number of peace parks. For us to be able to reciprocate in this way means that we are saying that it is not just an Australian peace but a peace at a much lower level - preferably person to person, individual to individual.

We want a peaceful world; certainly, city to city, we would like to have a peaceful world. It seems to me that is one of the reasons why all over the world we see the twinning of cities. We see the twinning of cities so that people know that the people in those other cities are ordinary citizens like themselves, with very similar aspirations. Certainly, when it comes to dealing with their children and their children’s children and dealing with issues of kindness and peace as well as with economic issues, they are concerned in the same sorts of ways. A Canberra/Nara Peace Park would achieve that. I suppose, with the wisdom of hindsight, it may have been appropriate to seek a name like “peace and friendship park”, or something to that effect. To my way of thinking, looking at this issue now, we may have actually enhanced our park by calling it a peace and friendship park. However, peace is very important.

I would just like to deal with the stand of John Howard and Digger James and with this whole notion of apologies. If it is appropriate for apologies to be made, then perhaps the Prime Minister would like to apologise for Australia’s part in the Boer War. As my understanding goes, Australia has not apologised for its role in the Boer War. Yet one could put very good reasons why an island continent, Australia, as part of an empire, would need to apologise now for its part in a war in South Africa. In fact, more recently, we may have been inclined to be apologetic for the war that we were involved in in Vietnam. Why would we not do that? Why would we not have a Prime Minister who was likely to apologise for our role in Vietnam? There are a huge number of Vietnam veterans who are my age - indeed, I was called up as part of that process - who would be particularly upset by such an apology. One has to ask, “Is an apology necessary?”. I would have said, “No, it is not necessary. It is not necessary for us to apologise for our part in the Boer War. It is not necessary for us to apologise for our part in the Vietnam War”. What we needed and what we have is peace treaties and actions that take us forward and that look forward to peace.

I know that most members, if not all members, are members of Amnesty International. Why are we members of that organisation? We are members of that organisation because we believe in the importance of human rights and human freedoms; because we want to work internationally to try to achieve these things. Why do we not have the same sort of process here? We have a wonderful opportunity to say, “Here is a situation where we

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could emphasise peace between two countries who have been at war". That a peace park does exist already quite close to that location and near the National Library is, of course, the case. But a Canberra/Nara Peace Park is something special; it is an indication of one city in one country having a very positive relationship with another city in another country. I believe it is an entirely appropriate way for us to proceed. I am very pleased that we have the opportunity to be involved in a peace park. I hope that it will continue as quickly as possible, and I hope that the Prime Minister, who has chosen not to live here, will not interfere with the relationship between our city and another city.

**MS HORODNY (4.24):** Mr Temporary Deputy Speaker, my contribution to this debate will be very short; but, following on from what Mr Moore said, I do want to say that in this whole discussion that we have had much has been made of Japan's reluctance to apologise for wartime atrocities. In fact, Mrs Carnell has said that the mayor of Nara has made a public statement apologising for Japan's behaviour in the war. Like Mr Moore, I wonder why there has been so much concentration on the need for Japan to apologise for wartime atrocities. I wonder why there has not been a similar call for Germany to apologise for the atrocities committed by that country; for America and Australia to apologise to Vietnam; and for Australia to apologise to our Aboriginal people for the genocide and the atrocities which we have committed here in this country, on this land, and which, unfortunately, we continue to commit in a much more subtle way.

I also wonder why America has never apologised to Japan for dropping the bombs on Japan. It has always been a very sad irony to me that, while the rest of the world was celebrating the end of World War II, Japan was coming to terms with and dealing with the horrible things which happened there and which initiated the end of World War II, and the aftermath of those horrific events. None of these apologies has ever been made. I think it would be appropriate and wonderful for all these apologies to actually be made in recognition of the fact that most dreadful things have occurred between nations on this planet and there has been a lot of hurt and a lot of decimation by one people of another.

Given that these apologies generally will never occur, I want to see us move forward on this issue. I believe we can learn, and we need to learn, from places like Northern Ireland and the Middle East, where there has not been movement; there has not been peace; there has not been a moving forward from people hanging onto the past, in fact, for centuries and for millennia. In fact, in the Middle East Yitzhak Rabin and Yasser Arafat had an agreement on land for peace. It was an important concept, but it has now been lost and we are back to full-scale war in that part of the world. The lesson from all that is very clear, and that is: To move forward, we have to let go of the past.

I do not believe anyone has a problem with a peace park. In this whole issue there has been a huge process problem, and that has been recognised. There has been also a crossover of issues, and that is very unfortunate because it means that the real meaning of peace has been overlooked. I would just like to remind people of the real meaning of peace. Peace is about agreement; it is about compromise; it is about harmony and neutrality; it is about non-belligerence, non-aggression and peaceful coexistence.

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Mrs Carnell said in the *Canberra Times* just last month that the last thing she wanted was for this issue to become divisive. She did say that the RSL and Ms Rees seemed determined to make it divisive. I think it is unfortunate that Mrs Carnell herself has become very divisive on this issue, and it is up to Mrs Carnell now to try to find peace on this very issue.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Wood): Order! The discussion has concluded.

### **ASSEMBLY BUSINESS - PRECEDENCE** **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent the order of the day, Assembly business, relating to the appointment of the Select Committee on Estimates 1997-98, being called on forthwith.

### **ESTIMATES 1997-98 - SELECT COMMITTEE** **Appointment**

Debate resumed.

**MS McRAE** (4.30): We stopped debating this motion this morning because there was some consternation about the idea that perhaps the Estimates Committee, for once in its existence, would have sufficient time to look at everything. Dear, oh dear! May I put on record that my experience as Estimates Committee chair has been a sorry litany of complaints from all concerned about the rush, and the rushed conditions under which everyone has had to work. From everyone who has been involved, all I have heard is pressure, pressure, pressure; too much rush; why do we have to do it this way and why do we not have enough time to do anything?

I take as totally spurious the argument as to whether we have or have not got the annual reports. I put on record that quite a few members on my side never read the annual reports. We did not have time. We had endless piles of paper, and the complaint at every Estimates Committee meeting was that people simply did not have time. My role as chair has been consistently one of saying, "Wind up now, please; next person, please; we are running out of time". We chose to do that out of consideration; so that we would work neither public servants nor politicians beyond normal working hours, I grant. But that still is no excuse, in my book, for rushing the process yet again.

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Two years back the Estimates Committee made a very clear recommendation that we have six weeks to work on this. That came unanimously and with the backing of all concerned. There is absolutely no reason that I can see why we are unable to take as much time as we want. What is it that Mrs Carnell is trying to hide? What is it that this Government does not want to be looked at? That is the fundamental question. Why cannot we take all year? What difference does it actually make? None.

**Mrs Carnell:** Well, why have an early budget?

**MS McRAE:** I do not know why we are having a budget in May, Mrs Carnell. We have still to understand why you are having it on 3 May.

**Mrs Carnell:** No, we are not. We are having it on 6 May.

**MS McRAE:** As I understood it, and I was not part of the negotiations, the budget was coming in in June. I never in my wildest dreams thought it was going to be on 6 May. That came completely out of the blue, and particularly since last year the argument went that we had to have our budget after the Federal budget, and we delayed it until after the Federal budget. This year there is a completely new argument: It has to be before the Federal budget.

**Mrs Carnell:** But you said you did not like it. You complained. You said you wanted it earlier.

**MS McRAE:** We did want it earlier, but we were never given the option of being told that it would be before the Federal budget and that it would have to be passed by the end of June.

The question that has to be asked is: Just what is this Government trying to hide? Just what is the problem? What is the problem, when finally people said, "Look, give us a break. Give us a bit of time. Let us run an estimates process where everybody on the committee will be able to take their time, read the papers properly, and ask all the questions they want to ask."?

**Mr Berry:** And call them back when necessary, too.

**MS McRAE:** And call bureaucrats back. We have never had that option. That is the consistent complaint from my fellow estimates travellers. I, as chair, have had to say to people, "Tough. No. We are not doing that; we are not doing this. You do not have enough time. Focus and get on with it". That is fine, if that is what the rest of the Assembly thinks is a good process. That is fine, if that is what the Government wants to do. But the bottom line question is: Why? What is it that they want to hide? What is it that they want to do to the rest of us Assembly members?

There is only one message coming through to me: They do not want us to have time to look at these papers properly. They do not want a process where everyone feels comfortable, where everyone has a chance, where everyone has a chance to come back. They do not want to give their bureaucrats time to explain properly, to come back and clarify points. Worst of all, they want to run yet again a process like the one we had



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last time, which was absolutely outrageous, where we were getting answers to questions on notice after the report went in. Tell me what is so good about that. What government would hold its head up proudly and say, "This is fantastic. We are an open government, open to scrutiny. We have nothing to hide. But we will give you the answers after the Estimates Committee report is in."? Is that what is going on? Is that what we are going to see now? We have two weeks of sitting in May. We have two weeks of sitting in June. We have to rush the things in - - -

**Mrs Carnell:** You are making a fool of yourself.

**MS McRAE:** Mrs Carnell, of course, would know whether I am or am not making a fool of myself, because she makes one of herself all the time. You have a standard by which to judge, Mrs Carnell.

I am voicing the concerns of my fellow estimates travellers with whom I have worked for two years now and for whom the process has been a very rushed and unpleasant process. We have here an opportunity to take our time. We have here an opportunity to do the job properly. I will be listening with great seriousness and concern to find out just what this secret reason is that this thing has to happen in five or six weeks. We will have less than three weeks of scrutiny time. We will all be focused on the next sitting. We have two weeks of sitting in June for which we will have other matters to consider. For the life of me, I have absolutely no understanding of why we cannot just get on with the estimates process through July, when we are not worrying about sittings, when we are not worrying about deadlines, when we are not worrying about other legislation, when we are not worrying about other issues, when we have time collectively to look at the issues that are before us, and when we have time collectively to understand what is being put in front of us.

I think it is absolutely appalling that people who were going to be on the Estimates Committee were not consulted in the first place. Nobody spoke to me about any timetables, or to anybody else that was likely to be on the committee. Nobody took seriously other recommendations of previous estimates committees, all of which have asked for more time. No-one took seriously the experience of the previous Estimates Committee and was ashamed that replies to questions on notice came in after the report came through. The actual response of the Government to the report has been rushed. No-one has taken that seriously.

What we are seeing from this Government is a contempt for Assembly processes; a wish to rush things through and hide important material from the scrutiny of Assembly members and the general public. I think it is to be condemned. I wish that people would present some sort of serious argument as to why we have to rush through between May and June, to hurry through a report, when supply does not run out until December; when there is absolutely no reason to hurry this whole business through; when we have to contend with the Federal budget in the middle of it all, to try to come to grips with both sets of numbers and the implications for Canberra; and when we collectively have an Assembly that wishes to look seriously and thoroughly at the numbers that are before us and are getting sidelined with some stupid argument about, "What about the annual reports?".

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Estimates is not about the annual reports and looking backwards. It is about looking forward. It is about looking at budgets. It is about looking at numbers. It is about coming to some assessment of the Government's intent and the Government's action. To get sidelined on ridiculous issues is a nonsense. I am going to sit and listen earnestly to see whether there is one reasonable argument to be put up as to why we should be treated with such contempt.

**MRS CARNELL** (Chief Minister and Treasurer) (4.37): Mr Speaker, I would like to quote from *Hansard* of 27 March 1996, and I will quote directly:

I have long held the view that governments ought to make every endeavour to bring down their budgets before the end of the financial year. There are good reasons for this. The first of those - - -

**Ms McRae**: It has nothing to do with estimates.

**MRS CARNELL**: You wanted some reasons. You wanted some arguments, Ms McRae, so just listen to this.

**Ms McRae**: Yes, but something relevant to estimates, Mrs Carnell.

**MRS CARNELL**: Just listen to the arguments about why this needs to happen. I quote:

The first of those is to allow certainty in departments and agencies as to the extent of their budget funding and their program for the coming year. The second reason is to fit in with our business community who budget on a financial year basis themselves and who, I think, benefit greatly from knowing, for instance, what the revenue regime from the Government will be for the forthcoming year. As for the many community groups who receive funding through the ACT budget, either directly or indirectly, an early budget obviously allows them much greater certainty in their own planning for the forthcoming year. So there is a large number of reasons why an early budget is very desirable.

Who said that? Rosemary Follett. If you want the arguments about why an early budget and getting a budget passed before the end of the financial year is a good idea, just listen to your previous leader. Rosemary Follett, as Chief Minister and as Treasurer, said it in a very appropriate manner. She made all the points that need to be made; that is, that departments need budgets from the beginning of the financial year so that they do not end up three months, four months or five months into the year before they actually get their budget for that year, and therefore potentially can use that to make sure that that is the case.

Mr Speaker, very interestingly, I will quote another comment from Rosemary Follett. Remember, Mr Speaker, that in opposition we raised a couple of issues, such as SPPs not being available at the time of budgets being brought down. Rosemary Follett went on to respond to the argument that we brought forward at that stage. We said, "Hey, what about SPPs? What about not knowing what the Federal budget is going to bring?". Rosemary Follett said this:

... I think all ACT budgets to date have been framed without the detailed knowledge of the specific purpose payments from the Commonwealth ...

Again, that is straight Rosemary Follett. She continued:

In fact, over the years the variation in those specific purpose payments has been so small as to not warrant waiting for the detail before framing the budget.

She went on to say:

A further matter, Mr Speaker, is that when you have early budgets you frame them and present them without having the final year outcome figures on your previous budget.

Mr Speaker, again, that is an argument or a concern that we raised. She then went on to run a very sensible argument as to why that was not the case. What happened as a result of that debate, Mr Speaker? We supported the previous Government, Rosemary Follett's Government, in bringing down an earlier budget. I will go on to quote Ms Follett. Ms Follett, talking at that stage, said:

Madam Speaker, the earlier presentation of the 1994-95 budget received bipartisan support from this Assembly. Bringing forward the budget placed pressure on all areas of the Government, and I appreciate the cooperation of the Estimates Committee in meeting the changed timeframe. The early budget allows the Territory to benefit from greater certainty and gives program managers earlier notice of policy changes to enable effective and timely implementation. Importantly, it gives community groups an early indication of the Government's funding intentions. The business sector will also benefit from the early indication of budget policies.

Again, that is a straight indication of what the view of those opposite was in government. Mr Speaker, the last early budget we had was in June, and it was actually passed in August. So, although the budget was brought down early, it was not actually passed before the end of the financial year, which I think, as Ms Follett has very appropriately put down there, is what was always aimed for. As she rightly said on those two occasions, what she was attempting to do was to bring down a budget that could be passed so as to ensure that the Public Service, the business community and the community sector

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would have total knowledge of what the Government's budget was going to be like from the beginning of the financial year. That means that we have to have it passed by the end of this financial year to achieve the very things that Ms Follett has very appropriately argued for right here.

Mr Speaker, by bringing it down in May, we will be one of the first States or Territories to bring down its budget, although virtually everybody will be bringing them down in that period from the last week of April to the first two or three weeks of May. That is when literally all States and Territories, to my knowledge - there might be one or two that do not - are going to bring down their budgets. Why? Just read Ms Follett's statements to find out why.

**Ms McRae:** Is anyone doing it before the Federal budget? No.

**MRS CARNELL:** Yes, they are. In fact, almost everyone is going before the Federal budget. Certainly, Victoria is. I think most people are going before the Federal budget. As Ms Follett said here, she believed that there was no reason to wait for the Federal budget; that SPPs were more or less the same every year. This is not quoting me, Mr Speaker; it is quoting the previous Chief Minister and Treasurer on her feelings about why there were many good reasons, to quote her, for bringing down an early budget. Most importantly, it is not just bringing down an early budget; it is passing an early budget. You have to actually have a budget through and in place at the beginning of the financial year. That ensures that members of the Public Service and all our departments cannot ever say, as an excuse, "Oh, well, we did not really have a final budget for the first quarter".

What will happen, Mr Speaker, hopefully, is that this Assembly will support a situation where the budget is in place from the beginning of the financial year and where we do have two approaches to asking the Government questions. I understand from the numbers that it will probably be the Estimates Committee on two occasions. The approach from this side has been that the Public Accounts Committee could probably handle the second set of hearings. I think the Assembly will choose the other way. That means that we will have three weeks now for the budget and potentially three or four weeks - maybe even longer - later to look at end of financial year and annual reports, which means, of course, that in total there will be more than the six weeks that the Estimates Committee thought was appropriate. It is just a fact, Mr Speaker.

Mr Speaker, what those opposite cannot do is hold a consistent line. They have always argued for early budgets, as Ms Follett has appropriately put here. They have always argued for a situation where the budget can be in place by the beginning of the financial year, as Ms Follett has very eloquently said in this place before. What they are trying to do here is play politics with the timeframe of the budget. That is the bottom line and the only reason for this. But I must admit, Mr Speaker, that I would have thought that everybody in this place had some interest in keeping at least a basic consistent line on this.

**Ms McRae:** Put up a decent argument; come on!

**MRS CARNELL:** I do not have to. Ms Follett did it for me.

**MR HUMPHRIES** (Attorney-General) (4.46): Mr Speaker, I move the following amendment to Mr Berry's amendments:

Proposed amendment to paragraph (3), omit "19 August", substitute "17 June".

Essentially, it puts into the amendments the reporting by the Estimates Committee by 17 June, to ensure that it is possible to pass the budget before the beginning of the next financial year to which it refers. Mr Speaker, Mrs Carnell has already indicated very clearly the reasons for this. I would say very simply that it is quite important that we obtain the benefit of being able to have a full-year effect of the budget we bring down.

I want to add only one thing to the arguments Mrs Carnell has already put to the Assembly. Members should be aware that the Government, of course - you would hardly be surprised to hear this - has been working on its budget for some months now. Indeed, I dare say that the budget is four-fifths put together. If the Assembly is to tell us now - just a few weeks before the budget is to be brought down, even though the Chief Minister announced at the last sitting that she wanted to bring it down and pass it before the end of the financial year - that the budget is not to have full-year effect, is not to be passed until, say, August or September, more likely September, then, Mr Speaker, it quite naturally follows that the budget will have to be very substantially recast.

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

**MR HUMPHRIES:** It does, because revenue raising measures, for example, that apply for the full year have been calculated to have a full-year effect.

**Ms McRae:** Nonsense! You are just grasping at straws. You should have negotiated properly.

**MR HUMPHRIES:** Mr Speaker, Ms McRae apparently does not understand this process. A budget which applies for the full financial year, particularly as far as revenue raising measures are concerned, has a very different impact from a budget which applies for only part of the year. Members will have seen lots of budgets brought down saying in the explanatory notes to the particular provision, "The effect in this financial year is X and the full-year effect is Y", and they are different. Why are they different? Because a budget brought down in the course of a financial year to which it applies has only a partial-year effect.

It is a very important argument, Mr Speaker. The budget is very substantially put together. We are going to have to recast the budget if members wish to remove the full-year effect that we had planned on for both expenditure and revenue measures.

Members interjected.

**MR HUMPHRIES:** What was the phrase Mr Kaine used today about the Opposition? Was it nugget heads? I think that is a very appropriate phrase, Mr Kaine. If they do not understand this matter, if they do not understand what this means - - -

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**Ms McRae:** Mr Speaker, on a point of clarification or a point of order: Does “nugget” refer to Kentucky Fried Chicken or pure gold, may I ask?

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

**MR HUMPHRIES:** If you mean that your heads are full of hard, cold metal, I might accept either of those explanations. Mr Speaker, I say to the members of the Assembly that this was telegraphed quite clearly and forthrightly by the Chief Minister and Treasurer some time ago. No member before today, to my knowledge, has come back and said publicly, “You people are not going to bring down a full-year budget. We are going to have a part-year budget only”. Nobody made that clear. Mr Speaker, I think it is incumbent on members not to pull the rug out from under the Government - - -

**Mr Whitecross:** I said it on the public record when she announced it. You just were not paying attention.

**MR HUMPHRIES:** Would you please pay attention to me, Mr Whitecross?

**Mr Whitecross:** You just were not paying attention, Gary.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Goodness me! They have not had their Weeties today, have they, Mr Speaker? Would you just let me get a word in edgeways. We have a full-year budget prepared. Do us the courtesy of letting us bring it down in those circumstances. You will see considerable benefits. Do not take my word for it. Listen to your own former leader, because the arguments for a budget to apply for a full year are very potent.

Do not forget also that this is not an estimates committee which does the work of ordinary estimates committees by the standards of this Assembly. We are not looking at both outcomes and budget provisions. We are looking only at budget provisions.

**Ms McRae:** It still takes time, and we have never had enough of it.

**MR HUMPHRIES:** It ought to be a much shorter process as a result.

**Ms McRae:** It never is.

**MR HUMPHRIES:** I would suggest to the woman across there who is being so vocal at the moment that she go back and have a look at the questions that have been asked in estimates committees for the last couple of years. Go back and look at the work that was being done in those committees. For a very substantial proportion - I would suggest probably half - of the sessions I attended, half of the time that was taken up by the committee was in a review of the results of the previous year; what the Government did in that year; what was happening in that year; and what was the outcome. I would estimate that approximately half of the work was of that nature. That work is coming out now. We are looking at budget estimates for the coming year. That should result in a very different workload for the committee at that time.

**Ms McRae:** Double the time that is going to be spent on the other. It is completely irrelevant. The road rescue fee was not the work of the previous year, may I remind you, Mr Humphries. The road rescue fee and preschool policy - - -

**MR HUMPHRIES:** Mr Speaker, I cannot compete. I give up. I will sit down.

**MS TUCKER (4.52):** Mr Speaker, I will speak to both issues that have been raised. I will speak first to the question of the Estimates Committee looking at the annual reports. The Greens will be supporting that. I think it is quite appropriate that there be consistency, in that the same group would be looking at the annual reports as looked at the budget. I will also be supporting Mr Berry's proposal that we have an extension of time to look at estimates. This is because I share Ms McRae's concerns. I have had a lot of difficulty as a member of the Estimates Committee in getting the answers that I have wanted. I have had difficulty in even asking the questions that I have wanted to ask.

I was very unhappy with the Government's performance in last year's estimates process, when we did not get answers to questions that were on notice until after we had reported. I do not believe that that is showing respect for the work of the Estimates Committee and for the right to scrutinise in depth. The community expects that we have that ability. I was very uncomfortable, to say the least, on a number of occasions when I had been asked to inquire into certain areas and I felt that I was not able to do that because the time was not there to do it. I thought there was a possibility that we could propose moving to the sitting weeks in June so that we would actually have at least another week, which was a compromise; but I understand that no other members were interested in supporting that. So, what I will do at this point is say that I am definitely supporting Labor's proposals. I will not support Mr Humphries's amendment to Labor's amendments.

**MR KAINE (Minister for Urban Services and Minister Assisting the Treasurer) (4.54):** Mr Speaker, I will speak on both Mr Berry's amendments and Mr Humphries's amendment. I have heard what Ms Tucker and others have said about this process. I happen to be strongly of the view, and I think everybody in this Assembly knows it, that the review of the previous year's performance is properly a function of the Public Accounts Committee. That is what the Public Accounts Committee was established to do - to review the accounts of the Government. One might ask, "What is the purpose of the Public Accounts Committee if the Estimates Committee is going to do it?". I will set that argument aside.

There are two processes. One is to review the Government's estimates which it has put forward to this place for approval and to be appropriated to the Government for its business next year. The other is to look at what the Government has done in this current fiscal year after the year is over. They are two different things. I submit that, because the Government is separating these by a period of some months this year, Ms Tucker will not have the same difficulty as she has had in the past, because we will not be confusing the issue of whether we are looking at what the Government did last year or whether we are looking at what the Government proposes to do next year.

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In this first phase, which will take place starting from the day the Government puts its Appropriation Bill on the table early in May, if the Estimates Committee focuses on those estimates and examines what the Government intends to do next year, it will do so without being confused by last year's results. It will be able to identify what it is that the Government intends to do and pursue questions associated with that. That will allow the process to be much clearer than it has been in the past in terms of the review of the Appropriation Bill. So, I submit that the problem put forward by Ms Tucker will go away, by virtue of the fact that the two functions are being separated now, irrespective of who performs them. One function will be performed now and the other in some months' time, when the annual reports are on the table and available for review. I think that it will clarify the issues and make each of the two processes simpler, because they are divorced from each other.

On this question of when the budget should be brought down, I have to support the argument put forward by Mr Humphries that, if you bring your budget down in May and you do not take up the debate on it until August and maybe complete it in September, then you have immediately undermined the fundamental basis on which the budget was established in the first place. It has been established on the basis of a full year's income, in terms of all of the items of revenue that the Government has specified. If you do not complete your budget debate until August or September, it is not then possible for the Government to collect the revenue that it has forecast. You will get only nine months, at best - and probably something less than nine months - of the revenue that is forecast. Therefore, the whole basis for the budget has been destroyed. Your revenue estimates which support the expenditure side of the budget for which we are asked to make an appropriation are immediately destroyed.

So, I do not see how anybody in their right senses could take a budget brought down in May and say, "We will not pass it until August or September", and then expect the Government to live with its revenue projections. It cannot do it, as a matter of practicality - - -

**Ms McRae:** Why did you not give us enough time?

**MR Kaine:** I hear Ms McRae muttering away over there. I do not know whether she has some foresight as to how she is going to achieve this; but it simply cannot be done. What the Opposition is saying to the Government, in effect, if they are insisting that we bring down the budget in May and do not debate it until August, is, "Take your budget away and recast it to show only a nine, seven or six months revenue projection instead of a 12 months projection". You cannot have it both ways.

In simple terms of practicality, what is inherent in Mr Berry's amendment is simply not feasible. It simply cannot be done. If he wants to move a motion that says, "Bring down your budget in August and we will debate it in September", that is a different thing altogether. He is trying to achieve that by changing a conclusion date, and it simply will not work. It cannot be done. I urge people to use their intelligence and not pass the amendments that Mr Berry has put forward, because it simply cannot be achieved. Mr Humphries's amendment puts it into the right perspective, in my view.



**MR BERRY** (4.59): Is it not amazing that, when politicians find themselves in government, the need for scrutiny is slowly expunged from the grey matter? They do not want to talk about scrutiny. All we heard today from the Government was about their need to get the budget through. There was no concern about proper scrutiny or accountability, despite the promises that were made by this Chief Minister before the last election, in terms of accountability and consultation. All of the Government's contribution to this debate has been about how they can get the budget through quickly. They are not concerned about the issue of scrutiny and accountability. Mr Speaker, this Assembly has historically been an Assembly concerned - - -

Debate interrupted.

### **ADJOURNMENT**

**MR SPEAKER:** Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

### **ESTIMATES 1997-98 - SELECT COMMITTEE Appointment**

Debate resumed.

**MR BERRY:** Mr Speaker, this Assembly historically has always forced governments to subject themselves to full and open scrutiny when it comes to budgets. What this Government wants to do, of course, is to get its budget passed and away - put to bed - without scrutiny.

I want to come to the comments that were made by Mr Moore. Mr Moore made the point that he does not want to see public servants and departments running on supply. But I hope that what Mr Moore was not saying was that he was prepared to sacrifice scrutiny to achieve that aim. The Government has an obligation to bring down its budget in time. If it has a date upon which it wants to have its budget in bed and settled, it has an obligation to this Assembly to ensure that the budget is tabled in order to give us plenty of time to scrutinise it. Mr Moore, I think, has been a long-time convert to scrutiny of the budget and accountability. I hope that he does not sacrifice that principle to assist the Government in rushing its budget through this time.

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Mrs Carnell raised an issue about Rosemary Follett. I must say that it was a dishonest representation of the way that Rosemary Follett dealt with budgets. It was a completely dishonest representation of Rosemary Follett's position. The fact of the matter is that Rosemary Follett's position in relation to budgets could still have applied today had this Government adopted the same principles - that is, brought it forward in time for sufficient scrutiny to have it passed by the day upon which they wanted it passed. The facts of the matter are that the Government has deliberately squeezed the sitting pattern to ensure that there is not proper scrutiny. If the Government is serious about scrutiny, why on earth are the sitting days in May from the 13th to the 15th there? Why on earth are the sitting days from the 17th to the 19th there, if they are serious about scrutiny?

No; this is something that has been deliberately engineered to ensure that there is only three weeks of scrutiny of this Government's budget. That is why this has been engineered. There is absolutely no doubt about it, and the dishonest representation of Rosemary Follett's position in relation to budgets is the thing that riles me most, because it is just patently dishonest to present her position in that way. The fact of the matter is that, when it comes to Rosemary Follett's position, there was always adequate time to consider the budget. Those people opposite, who are in such a rush now, were the ones that always had the brakes on. So, do not try to present Rosemary Follett's position as being something akin to what you people are up to now, because there are no similarities whatsoever.

Mr Speaker, I call on members to support the amendments which I have put forward, for good reasons. Those reasons go to the issue of accountability and, as my colleague Ms McRae has pointed out, to ensure that there is adequate time for members to consider all aspects of the budget. This is, after all, the most important decision we will take this year. It was the most important decision that we took last year, and the year before. Therefore, in my view, and I think in any reasonable, thinking member's view, there ought to be adequate time to consider this budget.

Let me draw your attention to the 1995-96 Estimates Committee report, just to re-emphasise the need to have adequate time to consider the budget. Yes, it is true that the Estimates Committee did refer to the departmental annual reports in the context of its recommendations. Nevertheless, the important issue is the budget, not the annual reports. We will consider them later on. We can consider them at any time and subject the Government to scrutiny on those scores and, of course, criticise them for failure to perform. But the budget decisions have to be done against a background of scrutiny before the vote is taken in this chamber, and three weeks is not long enough. It never was long enough. If the Government was serious about getting this budget through early, it should have brought it forward earlier, but at the same time, when it put together its sitting pattern, built in sufficient time to ensure that there was proper scrutiny. There is not now.

Let me go to these recommendations. The recommendations talk about having at least six clear weeks without sittings of the Assembly and making sure that they are programmed in to ensure that people can have proper scrutiny of the budget. I do not want to sacrifice that opportunity, because I have sat at estimates committees on both sides and I know that you need adequate time to deal with the budget, and three weeks is not long enough.

**Mr Humphries:** It is actually more like six, Wayne.

**MR BERRY:** It is all right to say, "We want to get the budget through early"; but we must not be sucked into a rushed budget just to satisfy the Government and sacrifice proper scrutiny. The fact of the matter is that it takes time to set up the budget process. The report has to be in at least a week before the next sitting. So, there is a very short time for consideration of the budget. It is certainly not six weeks anyway, as recommended by the Estimates Committee as a result of its consideration of the 1995-96 budget. But you never mentioned that. If you had mentioned that in the context of what Rosemary Follett had said previously in relation to the budget, you would have been closer to being honest; but you are a mile off.

Mr Speaker, I again just plead with members to ensure that they come down with a decision which is firmly on the side of full and open scrutiny. We should not have less than six weeks to scrutinise this budget. The fact that the Government has brought the budget on at the time that it proposes is not our fault. What we want is the ability to scrutinise it. The Government now seeks to pressure members into passing its budget early, because that is what all governments want to do. They love to get their budgets through quickly, with the least possible scrutiny. That has always been the case, has it not, Mr Kaine? You would have loved to have got your budgets through quickly.

**Mr Kaine:** I sure would.

**Mr Whitecross:** In three weeks.

**MR BERRY:** In three weeks. In fact, in two days would be even better.

**Mr Kaine:** Yes. Just let us vote on it in May. Get it over and done with.

**MR BERRY:** Although Labor's budgets deserved to be passed within an hour, they were still subjected to long scrutiny. Mr Speaker, I re-emphasise my earlier point. Mrs Carnell's attempt to in some way attach Rosemary Follett's words to what she is doing now was a dishonest representation and must not be accepted. It is very clear from previous estimates committees that the main complaint from all of the members involved in the estimates committee process about the consideration of the budget process has been the time available to them to properly consider the budget. Mr Speaker, these amendments must be passed as they were submitted.

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

**MR MOORE (5.09):** I rise to speak to the amendments. Mr Speaker, it seems to me that, when Mr Berry refers to reports of select committee on estimates saying that there was more time needed to look at the budget, he fails to realise that in this particular process, as it appears to be set out now, we would have a double process - a process for looking at the budget and a process also for reviewing annual reports. This is indeed the process that the Estimates Committee was referring to for both of these issues. So, it seems to me, Mr Speaker, that the amendments moved by Mr Berry, along with a modification to the amendments proposed by Mr Humphries, should give us an entirely appropriate process.

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Question put:

That the amendment (**Mr Humphries's**) to Mr Berry's amendments be agreed to.

The Assembly voted -

*AYES, 9*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Moore  
Mr Osborne  
Mr Stefaniak

*NOES, 8*

Mr Berry  
Mr Corbell  
Ms Horodny  
Ms McRae  
Ms Reilly  
Ms Tucker  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

Amendments (**Mr Berry's**), as amended, agreed to.

**MR HUMPHRIES** (Attorney-General) (5.14): I must make the brief point, Mr Speaker, that the Government's view actually is that the Estimates Committee ought really to be concerned about the arrangements in the budget. It has always been the view of the Government that the Public Accounts Committee ought to be the proper body to review outcomes for the year, particularly annual reports. If we think about it, the Public Accounts Committee considers all sorts of other annual reports and other, as it were, reports on the operation of the agencies of the Government, particularly Auditor-General's reports. It would be appropriate, I believe and the Government believes, for the Public Accounts Committee to do the same job in respect of annual reports of government agencies. I acknowledge that that is not the view of most members of the Assembly; but I simply put it on the record that the Government, in fact, believes that the Estimates Committee ought not to be extended over that period of time.

Motion, as amended, agreed to.

### **QUESTIONS WITHOUT NOTICE** **Commonwealth Minister for Tourism**

**MR KAINE:** During question time Mr Corbell raised the question of a letter written by an officer of ACT Tourism which caused him concern. I must admit that I have some reservations about the need for such a letter too. However, I do not have a copy of that letter. I have checked to verify that what I said at question time was correct. I wonder whether Mr Corbell would table the copy of the letter so that I can satisfy myself as to the contents of it.

**Mr Corbell:** I would like to, but I am not quite sure whether it is appropriate to do so. I might need to get some advice from the Clerk as to whether or not it is appropriate to do so.

**Mr Berry:** Mr Speaker, I raise a point of order. It seems highly irregular to have this sort of break in debate while a member takes advice. If Mr Kaine does not have the letter, he does not have it. He has posed the question. It is up to the member to consider it.

**Mr Kaine:** I would like to speak to that point of order, Mr Speaker, if there is one. The member having referred to it, I think I am entitled to ask him to table it.

**MR SPEAKER:** As Mr Moore has frequently said, the Assembly can do whatever it likes.

**Mr Corbell:** Mr Speaker, I was hoping that I would be able to speak to what it has been suggested is not a point of order. The questions in question time today related to evidence presented by Mr David Marshall to the Assembly's Economic Development and Tourism Committee. That evidence was authorised for publication. That is the information which was drawn on for the questions at question time today. I understand that Mr Marshall has also provided to committee members a letter which backs up the evidence he presented to the committee. However, that letter was presented to the committee after the committee had finished meeting. It was presented subsequent to his appearance, on a request of the committee chair, Mr Hird; but that letter was not authorised for publication by the committee. As such, it would seem to me that until the committee agrees to its publication it is inappropriate for me to table that document.

**Mr Kaine:** Mr Speaker, do I understand that the member has made reference to, and quoted in this place from, a document that is an in-confidence document?

**Mr Berry:** I raise a point of order, Mr Speaker. This matter is not up for debate. There is nothing before the house, Mr Speaker - no question, no debate.

**MR CORBELL:** Mr Speaker, with your indulgence, I am very happy to table the document if the Assembly committee authorises it for publication, but until such time as it does it would seem inappropriate to do so.

**Mr Humphries:** Why did you raise it today, then?

**MR CORBELL:** The Minister asks why I raised it today. As I said, Mr Humphries, the question today was in relation to evidence which was authorised for publication. That evidence was presented verbally to the committee by Mr David Marshall, chief executive of Canberra Tourism, and is in a transcript provided to the committee and authorised for publication by the committee. Nothing in the question today related to the letter, which is outside the verbal evidence presented by Mr Marshall, and therefore it is quite inappropriate to ask questions about it.

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**Mr Kaine:** On a point of order, Mr Speaker: The member clearly referred to a letter which it now seems was tabled in a committee but not authorised for publication. He cannot have his cake and eat it. If he is referring to it and quoting from it, then he should be able to table it.

**Mr Berry:** Mr Speaker, I raise a point of order. There are no questions before the chamber. Can we move on to the next item of business in accordance with the standing orders?

**Mr Kaine:** I will put a question to the chamber if you wish me to.

**Mr Berry:** Go for your life.

**Mr Kaine:** Mr Speaker, I formally move that the member table the document to which he referred in question time today.

**MR SPEAKER:** I am advised by the Clerk that under standing orders you are not free to move the motion now. It should have been done at the conclusion of Mr Corbell's statement. Nevertheless, standing order 243 gives the committee power to authorise publication of any evidence given before it. I suppose that is therefore a matter - - -

**Mr Berry:** We are happy to have the debate right now, if you like. Suspend the standing orders, Trevor, and go for your life and we will get stuck into you.

**MR CORBELL:** Mr Speaker, with your indulgence again, I seek to clarify the issue. I did approach the committee chair, Mr Hird, to have this letter authorised for publication, and he said that he would not support such an authorisation.

**Mr Kaine:** You should not be quoting from it, then, should you?

**MR CORBELL:** Mr Speaker, I seek leave to make a personal explanation.

**MR SPEAKER:** Leave is granted. Proceed.

**MR CORBELL:** Mr Speaker, the questions that were initiated in question time today by the Opposition were - - -

**Mrs Carnell:** You cannot debate the issue.

**MR CORBELL:** I will get to the point, Chief Minister. The Minister has asked me why I asked the questions; then he has asked for the letter to be tabled. The questions related directly and specifically to information presented verbally by Mr David Marshall. Mr Marshall, in the evidence he presented verbally, referred to a letter that he wrote to the chief executive of the Canberra Business Council, Mr Denis Page. He said in his letter that he was concerned and he said that he had written this letter because he was concerned about some of the comments made by the Federal Minister for Tourism, Mr John Moore. He said that he had sent that letter not to you, Minister, but to Mr Denis Page so that he, and not you, could raise it with the Minister for Tourism and the Prime Minister.

Mr Hird, as committee chair, requested Mr Marshall to provide a copy of the letter if he had it on him. Mr Marshall said that he did not have a copy on him but that he would make the letter available to committee members as soon as possible. I understand that he did that in the next day or so. The questions in question time today related specifically to information that Mr Marshall said that he had written in a letter to Mr Denis Page about the concern about Mr John Moore. Further, he indicated that he had circulated that to various people, including you.

## ADJOURNMENT

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

That the Assembly do now adjourn.

## Canberra Quest

**MRS LITTLEWOOD** (5.24): Mr Speaker, I rise this evening to record my public thanks to the Canberra Greek community for its support of the ACT Society for the Physically Handicapped, the Canberra Quest, and Hartley Court and Hartley House. On 9 March this organisation held its final presentation. Ms Thea Connolly was selected as the ambassador of Canberra. The achiever of the year was Ms Eleni Notaras, who was supported by the Greek community. Eleni raised \$51,000 in her own right. The ability achiever was Mr David Heckendorf. I would like to record my thanks to Mr Dino Nikias, Mrs Liangis and His Excellency Mr Constantis for their support of the ACT Society for the Physically Handicapped, which is Canberra's own organisation. All the funds raised will stay here in Canberra.

## King's Cup

**MR STEFANIAK** (Minister for Education and Training and Minister for Sport and Recreation) (5.25): Members no doubt noticed over the weekend a first in ACT sport. The Victorians, after about 11 consecutive years of winning, lost the King's Cup at Lake Barrington. The ACT team won that most prestigious national event for the first time. I commend the coach, the manager and the rowers.

**Mr Hird:** They are from Belconnen, Bill.

**MR STEFANIAK:** Quite a few of them are, Mr Hird. I commend the rowers and everyone involved in the team's splendid effort in bringing that most prestigious award home to the ACT for the first time. I noted a few rather churlish comments by some of the Victorian press today along the lines of, "We was robbed"; but I do not think any of that can take away from the excellent effort by these ACT athletes.

## Brumbies

**MR WHITECROSS** (Leader of the Opposition) (5.26): I rise today to talk briefly about the ACT Brumbies and what a great job they are doing in representing the ACT in the Super 12 rugby union competition. It really is great for the sport of rugby union to have the Brumbies doing so well. Anyone who was at Bruce Stadium the night that the Brumbies played Canterbury and saw George Gregan's marvellous cover tackle on the huge Fijian winger Paula Bale will find it hard to stay away. The entertaining style of running rugby that the Brumbies play is clearly reflected in the crowds that have been showing up. It was a great result for the ACT Rugby Union to have 12,000 people turn up on Good Friday to watch the Brumbies play Northern Transvaal. I suppose it is not so much of a surprise, given that it is said that rugby is the game they play in heaven.

Any team is only as good as the organisation behind it. The ACT Rugby Union really have to be congratulated on the way that they have gone about getting on with the job of ensuring that the ACT has a competitive team in the competition. In the past the ACT has not been able to hold onto talented players like David Campese and Michael O'Connor, who were forced to play for either Sydney or Brisbane clubs in order to ensure their chances of playing for the Wallabies. Last year, the first year that the Brumbies played in the current competition, they were able to get 11 of their players selected for representative honours. This was an outstanding achievement. Half the Wallabies squad is made up of ACT Brumbies players. On current form, ACT representation will only improve with players like John Langford playing the way they are.

There is little doubt that the catalyst for the Brumbies being included in the current competition stems from the initial success of the Canberra Kookaburras in the 1995 AAMI Cup, when in their first year they finished second to Gordon in the grand final. This was another great achievement by the players and the ACT Rugby Union. Being able to go to Bruce and watch international rugby teams like Northern Transvaal, Canterbury and Free State is a great bonus not only for rugby union but also for supporters of rugby union in the Territory. Of course, having the Brumbies beat Queensland at Ballymore is always something to dine out on.

In closing, I wish the Brumbies all the best for their forthcoming games, especially the game against Auckland this week. I will certainly be in the crowd when the Brumbies play archrivals New South Wales and Waikato at Bruce. If there is one criticism I have of the ACT Rugby Union, I want to know why Raiders fans get to listen to Belinda Carlisle and Brumbies fans have to listen to Bill Stefaniak.



**Very Fast Train**

**MR CORBELL (5.29):** I rise on the issue of the very fast train, which was raised in the Assembly earlier today during question time. The Minister for Urban Services, Mr Trevor Kaine, said that he believed that my call for a public inquiry by the Assembly into the impact the very fast train would have on Canberra was completely and totally unnecessary and would, in fact, hold up the development of the very fast train. Mr Kaine has said that I am inexperienced and a new kid on the block. Perhaps Mr Kaine should be aware that, far from being inexperienced and far from being a new kid on the block, I have used the resources of the Assembly quite well and I have discovered that the most recent inquiry undertaken by the ACT Government into a very fast train and its impact on the Canberra community was done in 1990. That was less than two years after the inception of self-government.

In the seven years since that time Canberra has undergone massive change. Our economy is under severe pressure. Unemployment in Canberra is rising, and the role of the national capital has changed substantially. For that reason, I felt it was appropriate that this Assembly look at the issue of a very fast train - not in terms of whether or not it could be built, not in terms of what the technology was about, but in terms of what it meant for our city, what it meant for the people who live here, what it meant for our future for jobs, what it meant for our future for tourism and what it meant for our future economic and social development.

I was very pleased that the chair of the Economic Development and Tourism Committee, Mr Harold Hird, accepted that this inquiry was a good idea and said that he would support it. I was amazed when the Minister today said that he felt it was completely and totally unnecessary. I believe it is necessary. I believe it is important that our city decide whether this thing is going to have an impact on Canberra and, if so, what that impact will be. I think it is wrong to say, "This technology is great. We have to have it, and we will work out what it means for our city later". It is completely unacceptable and yet another example of the poor decision-making by this Government to support the technology but not at the same time to support what it means for our city. That is what this inquiry would be about. I am also very keen to see this inquiry deal with issues such as tourism and employment. I am hoping that this inquiry will allow the ACT Government, and even the Federal and New South Wales governments, to look at what sorts of responses they need to put in place to ensure that any detrimental impact of the train on our city is negated and that positive benefits are accentuated.

For Mr Kaine to suggest that this inquiry will impede the study in some way is completely wrong. I would urge the Government to support the motion - I think it is an important motion - when it is debated on Thursday. It is valuable for our city to have this sort of technology, but it is also valuable to think about what it means and not blindly accept that new technology will bring positive benefits. That is a very silly trick to fall for. It is something that many cultures and many nations have fallen for before. They have blindly accepted technology as a solution to their problems without seriously looking at what it means. I hope that the Minister will rethink his press release and rethink degrading members of this Assembly purely because of their age, which I think is absurd.

### Two-day Medal Walk

**MS REILLY (5.33):** Obviously, last weekend a lot of people were involved in sporting and recreational activities. I also took part in such an activity with my Liberal colleague Mr Stefaniak. We took part in the Canberra two-day medal walk. It was with great pleasure that Bill and I walked along some of the footpaths and cyclepaths of Canberra in the sunshine on Saturday, enjoying the colours of autumn. It really was a glorious weekend to walk through various parts of Canberra with many people, either ACT residents or visitors to the ACT, who were very impressed with the national capital. Maybe we should get John Howard out to have a look at the place that he visits so rarely.

**Mr Moore:** No, do not do that. He might stay.

**MS REILLY:** That is another point. This is the sixth time that the two-day walk has been held in Canberra. It is a community walking event that in some ways differs from other fun runs or walks. The distances that are walked are considerably longer than in most other events. The participants walk 10, 20 or 30 kilometres on each day of the two days of the event. There is no camping out, but they do have a considerable distance to cover. There is no fundraising and there is no timing of the participants. People can walk at their own pace and enjoy the sunshine. That is what we encourage. People stop for coffee, visit friends and visit national monuments on the way. That is part of the pleasure of this walk. The aim is not to finish in the quickest time. Of course, some people cannot bear not competing, and there is always somebody who has to find out whether they were the first one in. It is usually a small child.

**Mr Humphries:** Did you beat Mr Stefaniak or not?

**MS REILLY:** He seemed to come in after I did. I think he walked a slightly longer distance.

**Mr Humphries:** But you were not competitive, of course!

**MS REILLY:** He did walk a longer distance. People of all ages take part. Apart from the child of 18 months who did not walk the whole distance, a child of four took part in the 10-kilometre walk and people over the age of 80 also walked. One of the beauties of this event is that people of all ages and of all levels of fitness can take part. You do not have to be an elite athlete; you do not have to do massive quantities of training. Some people do the walk every year.

The Canberra walk is modelled on the Vierdaagse that has been held in Nijmegen in the Netherlands for over 80 years. Other walks in other parts of Europe and in Japan are held each year. The Canberra walk provides an opportunity to see Canberra in a different way. On Sunday afternoon at the end of the walk more than 50 people were presented with silver medals for having participated in the last five walks. Some people were presented with six-year pins. They had taken part in every walk that has been held.

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People come to this walk from overseas. A number of Japanese walkers usually come, as well as people from Sydney and surrounding areas. We are not only encouraging people to walk but also bringing tourism dollars into Canberra. Anybody taking part in the walk stays two nights, and a lot of people stay longer. We are trying to encourage people to stay on and see further parts of Canberra. If the Canberra walk is accepted into the International Marching League this year, we will probably have visitors from all over the world coming to our national capital to walk in this event. I would like to encourage other members to take part. Next year's walk will be on 17 and 18 April. You have the opportunity to mark your diaries now. Get walking and take part next year.

### **Very Fast Train**

**MR HIRD** (5.37): Mr Speaker, I must rise in the adjournment debate. Unfortunately, Mr Corbell has left the chamber. I must say that I encourage enthusiasm not only in new members but also in old members, in particular in their work with committees. Committee work is long and difficult. Sometimes it goes unnoticed. The late Allan Fraser told me, "If you get into politics, know your bible". Your bible is the standing orders, as Mr Moore would tell us. Mr Fraser told me that many years ago when I joined the advisory body that was a predecessor of this house. I would ask Mr Corbell to understand his standing orders. After his speech in the adjournment debate, he should look at standing order 59. The matter he raised today is on the notice paper in his name.

**Mr Moore:** It is not on the notice paper yet, Harold.

**MR HIRD:** I stand corrected.

**Mr Berry:** I would have a look at this book, the standing orders, if I were you.

**MR HIRD:** That is the one. I am glad you have found it.

**Mr Moore:** It is not on the notice paper, Harold.

**MR HIRD:** I apologise to Mr Corbell, but the facts are that Mr Kaine did indicate that the last inquiry was done in 1990-91. He indicated that in his reply to Mr Corbell at question time. I still suggest to Mr Corbell that he ought to take heed of the standing orders of this house.

Question resolved in the affirmative.

**Assembly adjourned at 5.38 pm**