DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

16 February 2000

Wednesday, 16 February 2000

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The Assembly met at 10.30 am.

(Quorum formed)

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

CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2000

MR STANHOPE (Leader of the Opposition) (10.33): Mr Speaker, I present the Children and Young People Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR STANHOPE: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I will have more to say about the general topic addressed by this Bill when the Assembly debates its substance and similar amendments to the Children's Services Act. The ACT is in the process of overhauling the legislation relating to children and young people from both a welfare and a criminal justice perspective. In those circumstances, I believe it is necessary to amend two Acts - the Children's Services Act and the Children and Young People Act.

The Children's Services Act will be repealed when the Children and Young People Act comes into effect, but in the mean time eight- and nine-year-old children are being exposed to the risk of being sucked into the criminal justice system. It is well documented that once a child is involved in the criminal justice system their chances of becoming a lifelong client of the police, courts and gaol is very much higher.

Briefly, the Bill that I introduce this morning seeks to avoid that result by increasing the age of criminal responsibility in the ACT from eight years to 10 years. Only the ACT and Tasmania have not followed the recommendations of the Model Criminal Code Committee to increase the age. Tasmania remains stuck at seven and the ACT at eight.

In Australia's first report under article 44 of the United Nations Convention on the Rights of the Child in 1995, it was stated that a model criminal code would be developed for application in all jurisdictions. Under the model code, the age of criminal responsibility was to be standardised at 10 years or more. The new age in relation to

Federal offences came into effect on 16 September 1995. In New South Wales, Queensland, Victoria, Western Australia, South Australia, and the Northern Territory the age of criminal responsibility is set at 10. The Government has not to date brought forward a Bill to change this age limit in the ACT. As I have said, even the Children and Young People Bill 1999, which was introduced in July last year, did not address the issue.

The Minister, as we know, has said that he hopes to be able to announce measures for consultation with the community on wider reforms within the next 12 months. In light of the fact that the Government has not sought to act on this issue over the last four to five years, I feel that rather than go through those measures of consultation and rather than wait it is necessary that we act to ensure that children of eight and nine years of age are not forced into the criminal justice system.

It is my view, Mr Speaker, that children of that age deserve more than to be branded as somehow criminal and that we owe an obligation to them to keep them out of the criminal justice system and perhaps have parents accept their full responsibility for their children at that age. I commend the Bill to the Assembly.

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

CHOGM 2001 - RELOCATION

MR STANHOPE (Leader of the Opposition) (10.37): Mr Speaker, I move:

> That this Assembly condemns the Prime Minister of Australia, John Howard, for this decision to deny Canberra, the nation's capital, the opportunity to host the 2001 Commonwealth Heads of Government meeting.

Mr Speaker, perhaps to your delight and that of many other Canberrans, the Queen will be staying in Canberra when she visits Australia next year.

Ms Carnell: Next month.

MR STANHOPE: Next month. According to evidence given to a Senate estimates committee hearing last week, for the first 10 days of her visit in March - I thank the Chief Minister - the Queen will base herself at Yarralumla, travelling from the national capital to Sydney and Melbourne for appointments. Canberra, of course, is a suitable place and the natural place for the Queen to choose as a base for her visit. It is, as I have said, the national capital. It is the seat of government. Until 1996 it was also the home of the Prime Minister. As has oft been remarked, Canberra was good enough for Curtin and Chifley; it was good enough for Menzies; it was good enough for Whitlam and Fraser; it was good enough for Hawke and Keating; and of course will be good enough for Kim Beazley. But unfortunately until that happy day Canberra can no longer boast being the prime ministerial home. As we all know, and as we all lament, Canberra is not good enough for Kirribilli John Howard to call home, just as it is no longer good enough to host next year's Commonwealth Heads of Government Meeting.

Originally, of course, it was Honest John, but that image has become a little tarnished. Honest John was the one who promised there would never be a GST. Honest John was the man who distinguished core from non-core promises, and the man who a letter writer suggested rather bluntly in a recent edition of the *Canberra Times* upheld one core promise at least - to put the family first. Honest John is the man who promised our Chief Minister that Canberra could host CHOGM and then without any notice took the gift back. I think we all need to acknowledge and accept that Kirribilli John fits much better than Honest John.

I come to the point of the motion. Why did the Prime Minister, John Howard, offer CHOGM to Canberra? Why did he make that decision and why did he then withdraw it? What are the implications for Canberra of the withdrawal? The history of this goes back some years. It goes back to the Edinburgh CHOGM, when it was announced that Australia would be the venue for the next CHOGM meeting. There was then much interest within Australia - within all the states and cities - in where CHOGM would be located. Canberra entered the bidding and some work was done, most notably by the ACT Convention Centre, with some assistance from the Chief Minister's Department.

The announcement was made on 19 February 1998, and it featured significantly in the news of 20 February 1998. It led the news on each of the TV stations on that night. It was on the front page of the *Canberra Times* on that day, the day before the last ACT election, quite coincidentally. The seed to this whole issue is that the decision by the Prime Minister to hold CHOGM in Canberra was announced on 19 February 1998 and appeared on the front page of the *Canberra Times* on 20 February, the day before the last ACT election.

We probably need to reflect on that. Why was a half-baked decision made on the day before the last ACT election that CHOGM would be held here in Canberra? It is quite a startling coincidence that we are dealing with here. The Prime Minister's press release of that day stated:

> I am pleased to announce today that Canberra is to be the Federal Government's selection as the host city …

The Prime Minister went on to say:

> It is appropriate that such a meeting be held in the national capital at the centenary of our Federation.
>
> Canberra is a capital city of which all Australians can be proud. CHOGM will give Australia the chance to showcase its capital to leaders from around the world.
>
> … … …
>
> The meeting will represent significant opportunities for Canberra businesses, particularly the hospitality and recreational sector …

> The Federal Government looks forward to working with the ACT Government in bringing this ambitious project to fruition.

On the same day, the day before the last ACT election, as one would expect, the Chief Minister also revealed that Canberra had been successful. The Chief Minister put out a press release of her own on that date, which was picked up by all the local media and led the news here in Canberra as the story of the day, announcing that Canberra, through the good offices of the Chief Minister and the Chief Minister's Department, had attracted this most significant event to Canberra. CTEC also welcomed the decision on the same day with their own press release.

There is a similarity between these press releases - that of the Prime Minister, that of the Chief Minister and that of CTEC - all of them commenting on the very positive implications for Canberra of that decision in terms of exposure and acceptance of Canberra as the national capital, and national and international exposure of the ACT as a good place in which to hold meetings and conventions. CTEC said:

> It is the sort of exposure that we would never be able to buy, and … hosting CHOGM will firmly place Canberra on the international map.

It went on in the same vein as Mrs Carnell, the Chief Minister, did in her release. There was a slight rider to the Prime Minister's nomination of Canberra as the host city for CHOGM 2001. It was subject to some additional studies in relation to the adequacy of convention facilities and accommodation for the purposes of hosting CHOGM. That work was done. The Chief Minister's Department and the Convention Centre combined to present further advice and evidence to the Prime Minister's Department and presumably to the Prime Minister. Subsequently the Prime Minister confirmed that his pre-ACT-election announcement that CHOGM would be held in Canberra was to be confirmed, and he confirmed that some three or four months later. That then raises the question of why he felt the need to make the early announcement, the announcement on 19 February, simply to reconfirm it a few months later.

One has to assume that there was some endeavour by Mr Howard to assist his Liberal colleagues here in Canberra in the election that they were fighting for seats in this place. It is perhaps unfortunate that such a significant decision was made in that environment. The pre-announcement of the decision was based almost certainly on the fact that an election was to be held the day after the Prime Minister felt the need to make the early announcement.

I will not go to that point again, other than to say that recognition of the fact that the announcement was made the day before the last ACT election causes me to feel some sympathy for Senator Margaret Reid, who copped a bit of a shellacking in an article in the *Canberra Times* from Crispin Hull following on from letters from Malcolm Mackerras in particular suggesting that the whole reason for the Prime Minister's decision to announce that CHOGM would be held in the ACT was to advantage Senator Margaret Reid's electoral position. Had both Crispin Hull and Malcolm Mackerras followed the paper trail back to the original decision, they would have refined their opinion and concluded that it had nothing to do with Senator Margaret Reid's political fortunes but rather more to do with the political fortunes of the ACT Government.

I think Senator Margaret Reid has probably been asked to bear rather more of the brunt of the opprobrium of the Prime Minister's change of heart than perhaps was justified.

That is some of the historical context. For present purposes, that was all undone, so the Prime Minister's motivation, which we will never truly understand, is perhaps now not so relevant, though I think it is something one must keep in mind when one has regard to the damage that the Prime Minister has now done to the ACT. We have to accept that all those positive things that were said by the Chief Minister, by the Prime Minister and by CTEC and echoed by the business community and every Canberran about the positive impacts of the decision to hold CHOGM here have been reversed. The positive impacts for the ACT and region have been reversed and are now negatives. To the extent that we could look at the CHOGM decision in the words, for instance, of CTEC as providing us with untold advantage in terms of international and national exposure, the decision of the Prime Minister, after a year or so of reflection, that Canberra was not up to the job has a reverse impact.

The international community and every organisation around Australia that might have looked upon Canberra as a place in which to hold meetings or conventions have now been told by the Prime Minister of the nation that Canberra is not up to the job; that we do not have the facilities; that we do not have the infrastructure. By dismissing Canberra as a place in which to live, by scorning it as a place worthy of his residence, he belittles us as the national capital.

We suffer this very significant negative impact as a result of the Prime Minister's decision. He held us up as a model to the world. He subsequently revised that opinion in the eyes of the world and in the eyes of the rest of Australia, and we will now suffer and are suffering the negative consequences of that change of heart. He has besignalled to the rest of the world the message that Canberra is not a place where he, the Prime Minister of Australia, is prepared to hold a significant international meeting. He is not even prepared to live here.

What are the subliminal messages that would be sent? Do we not have the infrastructure? Perhaps our airport is not up to standard and planes cannot land here. Perhaps the roads are no good. Perhaps security is a bit iffy. Perhaps we do not have good-quality hotels. Perhaps we do not have a convention centre that can handle a large meeting. What is the message and what is the extent of the damage that the Prime Minister has done to us through his machinations in relation to the holding of CHOGM here?

A group of Canberra business organisations did get together - with assistance, I would acknowledge, from the Chief Minister and the Chief Minister's Department - to prepare a submission to the Prime Minister and to the Commonwealth in which they set out in quite some detail the background to this whole sorry saga. In that very significant paper they set out the impact of the turnaround on the Australian capital region.

The direct economic impact of the change is that it will deny the ACT community up to $10m in direct delegates' expenditure. Some organisations in Canberra such as the National Convention Centre and the Park Royal had blanked out the entire period of the proposed conference. A deposit had been paid to hold all the rooms at the Park Royal

and to hold the Convention Centre for that stage. Some other accommodation places in Canberra had taken bookings. Hundreds of hours of planning had been undertaken by people within the private sector and within the Chief Minister's Department. I have no doubt that hundreds of hours of Public Service time were expended on this project - hundreds of hours of Public Service time now wasted.

The submission I refer to set out a list of some of the negative impacts of the decision to move CHOGM from Canberra to Brisbane. I will read those out because I think they are quite significant. I do not think it is an exhaustive list. According to the combined business communities of the ACT, the Prime Minister has damaged the reputation of Canberra as a national and international destination for key conference organisers. He has lost significant national and international exposure for the Australian capital region. He has caused the loss of significant revenue for the region. He has caused the loss of business for a number of traders, with significantly reduced lead time in which to find alternative business for the period. He has negated the considerable effort already expended promoting Canberra as a competitive world-class convention destination. He has reduced participation by the national capital in the centenary year of Federation. *(Extension of time granted)* He has raised questions about the long-term ability of Canberra to fulfil some aspects of its role as the national capital. To some extent the business communities are being more than kind to the Prime Minister.

The Prime Minister has degraded and degenerated Canberra as the national capital in a way that I do not think any other Prime Minister in Australia's history has done. Riding on the back of his decision not to live here and his decision to scorn Australia as the national capital, his decision to remove this significant conference simply confirms in the minds of all Canberrans and all Australians that our Prime Minister, the leader of our nation, has so little respect for Canberra as a national capital that he has diminished it in the eyes of all Australians and perhaps throughout the world.

The diminishing of Canberra as the national capital will have the most severe impacts on Canberra in the long term. The people of Australia, through the actions and attitudes of their Prime Minister, will be encouraged to scorn and belittle the national capital, to scorn and belittle Canberra. We know that in the past we have struggled significantly to raise the reputation and standing of Canberra in the eyes of the Australian people.

Unfortunately, it is an aspect of the Australian character and personality to translate into their attitude to Canberra as the national capital some of the attitude which Australians have towards figures of authority and towards authority generally. That impacts on us negatively in so many ways. We are held responsible for so many of what the people throughout Australia regard as some of their other problems.

To the extent that Canberra does rely so heavily on tourism, mainly national tourism, this attitude of the Prime Minister is so incredibly damaging to us. We do rely extensively on tourism from Australians to generate and drive the industry base here in the ACT. I think only one per cent of tourists to the ACT are from overseas. For 99 per cent of our tourism we rely on Australians. To the extent that the Prime Minister continues to disseminate this incredibly damaging view of Canberra, he damages us more and more.

A number of recommendations are made in the submission I referred to from Canberra business to the Commonwealth and the Prime Minister that they believe as a result of his reckless and outrageous behaviour need to be addressed. He needs to address each of those matters that he has now so starkly questioned in relation to our capacity to act as the national capital and our capacity to act as a conference and convention centre for Canberra, for the region, for Australia and for the Pacific region.

The Commonwealth needs to accept a role in ensuring that the Canberra international airport is able to cater for the needs of the Australian Government and international entourages. The Commonwealth needs to accept that if Canberra is to enjoy its role as the national capital then it has a responsibility to ensure that we do have the capacity and the facilities to mount major international conferences; that we do have appropriate accommodation; that the infrastructure in the ACT is befitting of us as the national capital. We need the Commonwealth to accept its full responsibility in ensuring that Canberra has the status of Australia's national capital in the eyes of this nation and all other nations. The Prime Minister and the Commonwealth need to ensure that the people of Australia have the pride in their national capital that we would all here hope that they do.

The Prime Minister's actions are so outrageous, so negative, so damaging and so despicable that I believe that this place has no option but to support the motion of condemnation that I move today. I commend the motion to all members.

MS CARNELL (Chief Minister) (10.57): This is an interesting way to use private members time when I assume everyone in this place supports the approach. We have all been out there, and not just in the media, attempting first of all to reverse the Prime Minister's decision and then attempting to find a positive way forward - or at least some of us have. Maybe that shows the fundamental difference between Mr Stanhope and me and between the Labor Party and the Government. Mr Humphries and I roundly condemned the Prime Minister for his approach in this area. Yes, the Prime Minister is from the same side of politics as we are, but that does not mean we are not willing, where appropriate, to be very critical.

It is very hard to see the same thing happening with those opposite. This side of the house will always support Canberra as our primary reason for being, and we are more than happy to condemn the Federal Government for doing something that is not positive for Canberra. I doubt whether those opposite would ever do that.

Mr Corbell: Just wait for it, Chief Minister.

MS CARNELL: I will be pleased when I hear those opposite, maybe a little bit later this morning when we consider the regional forest agreements, condemn Bob Carr roundly. We wait with bated breath. Canberra is our reason for being and our commitment. The approach the Federal Government took was unacceptable. Both Mr Humphries and I worked very hard to convince the Prime Minister to change his mind. By the time we were told that CHOGM would be relocated to Brisbane, the decision had very definitely been taken.

Mr Speaker, I have circulated an amendment to Mr Stanhope's motion. The reason for that is that I see absolutely no benefit in wasting ACT taxpayers' time with us taking up time in this Assembly having a go at the Prime Minister. What is that going to achieve? Absolutely nothing. It may be a bit of grandstanding for Mr Stanhope, but we should be looking at outcomes for the people of Canberra. I move:

> Add after "meeting" the following words:
> "and calls on the Prime Minister and the Federal Government to demonstrate its commitment to Canberra by:
>
> (a) supporting the upgrade of Canberra Airport to allow usage by a wider range of aircraft;
>
> (b) supporting the development of a strategy to enhance Canberra's convention facilities in keeping with Canberra's status as the national capital; and
>
> (c) supporting the submission to the Commonwealth Government on the decision to relocate CHOGM 2001 put forward by various Canberra and region business associations and the ACT Government.".

My amendment takes a very negative motion that does not achieve anything, except maybe a bit of grandstanding from Mr Stanhope, through to something that, hopefully, will achieve some very real benefits for Canberra. I do not disagree with Mr Stanhope that the decision by the Federal Government to relocate CHOGM has caused significant problems for the ACT. What we should be doing now, taking into account that the decision is made, is finding a constructive way forward. The submission that was put together by the ACT Government and the various business associations does just that. Mr Stanhope has alluded to it, and I am very pleased that he supports it.

Mr Stanhope was asked to, and was present at, one of the meetings called to put this document together. We believed very strongly that a non-partisan approach from all of us here in Canberra was going to be a much more sensible approach. I wonder why Mr Stanhope put the motion on the table this morning. It was viewed by the people at that meeting that the best course was to take a constructive approach to this whole mess and try to come up with something that was good for Canberra. I table the submission, for the information of members. Obviously, Mr Stanhope has a copy but other members may not. It has a number of positive recommendations.

But we did not stop there. I had a meeting last week with the Prime Minister with regard to the future of the national capital. At that meeting the business community and I, together with Margaret Reid and representatives of the region around Canberra, presented the submission I have just tabled to Senator Ian Macdonald as the Minister responsible for territories. That meeting requested that in a few weeks' time Senator Macdonald report back to us on progress with regard to the recommendations that are part of that submission. Again, that is a positive approach.

I do not suppose any of us expect these recommendations to be implemented overnight. It would require a significant contribution in money and time to get them up and running. We need some long-term planning to overcome the problems that have occurred with the relocation of CHOGM. That is what the ACT Government, Margaret Reid and other representatives of the region are attempting to do.

I think it is really important to restate that I, and I think everyone who has been part of this whole situation, believes strongly that Canberra was and is quite capable of hosting an event such as CHOGM. The accommodation strategy that we put on the table after significant work was accepted by the task force. We believe that the approach we put together with regard to the Convention Centre was appropriate and was sustainable.

The Prime Minister and his advisers - I am aware that the Prime Minister acted on advice - believed that after some of the problems that occurred in Durban it was not worth, as I suppose he would say, taking the risk of having CHOGM in a city which would have its facilities stretched quite significantly. We believe that it could have been done and would have been the best CHOGM that has ever occurred. When the ACT does something, we do it well. That is history, and Mr Stanhope has run through a lot of the history involved.

Mr Stanhope missed one thing when he was trying to suggest that this was all a political decision made overnight with regard to the ACT election. He neglected to state that I put forward a bid to host CHOGM 2001 in 1997. The process started about the same time as Edinburgh 1997. When it was determined that CHOGM would come to Australia, I put forward a proposal at that stage for it to come to Canberra**.** That was a significant period of time prior to the Prime Minister announcing that Canberra would be the host city, subject to suitable accommodation arrangements being found. So much for it being a decision taken overnight with regard to an election.

Mr Stanhope made other mistakes with regard to the sequence of events, but I would like to finish by making the point again that what we have to do now is certainly condemn the Prime Minister - no doubt about that - for moving CHOGM. It could have been here, and it would have been a great CHOGM. Now we have to get on with supporting the submission that is being put forward to the Prime Minister and to Senator Ian Macdonald and supporting the upgrading of Canberra's facilities so that no government in the future has an opportunity to take this sort of approach again.

We are the national capital. We should have an international airport. We should have international standard conference facilities. We should be the preferred destination for Commonwealth government conferences. The list goes on**.** They are all on the table. Let us produce some positives out of what has been a very negative decision, and let us hope that everyone supports my amendment, because it does take a very negative and maybe even counterproductive motion through to something that can produce benefits for Canberra.

MR SPEAKER: We have a number of amendments coming forward. The amendment Mr Kaine has circulated is contrary to the amendment just moved by the Chief Minister. You may speak, Mr Kaine, but you cannot move your amendment yet. You can foreshadow it.

MR KAINE (11.08): That is fine, Mr Speaker. I will foreshadow it. I do not support this motion. I think that for this place to condemn the Prime Minister of Australia is a very serious matter. Even though some people feel affronted by the Prime Minister's decision, I think the motion goes too far. I do not think we have sufficient justification for condemning the Prime Minister in this case. I think we are being a little bit precious, even to the point of taking personal affront, about the Heads of Government Meeting taking place some place else.

My bottom line is that to pass this motion would simply put the Prime Minister further offside than he is now. If it is true, as the Leader of the Opposition suggests, that the Prime Minister has some personal aversion to Canberra, passing a motion like this as an official act of this parliament is not going to make him feel any more benevolent towards Canberra in the future. If there is a problem, then we should be doing something to fix the problem between us and the Prime Minister rather than aggravating the problem.

I will not support a motion that condemns the Prime Minister. I foreshadow an amendment that will change the wording considerably and that might, as the Chief Minister is attempting to do with her amendment, get a more positive response from the Prime Minister than would a motion condemning him.

The Chief Minister made the point that she has often been critical of the Prime Minister and the Federal Government. That is true. But being critical and condemning are two vastly different things. I do not mind supporting the Leader of the Opposition or the Chief Minister if once in a while they are critical of the Federal Parliament and the Prime Minister, and even Mr Beazley, when they ignore the interests of the 300,000-odd people who live in Canberra. I think it is appropriate that we should be critical when something like that occurs. As I say, to be critical of them when they do the wrong thing, say the wrong thing or, in our opinion, take the wrong attitude is a vastly different thing to condemning them.

Mr Stanhope's motion, sadly, is based more on politics than anything else. His references to the Lodge being good enough for previous Prime Ministers and being good enough for Mr Beazley - maybe, if Mr Beazley ever gets there - did little to strengthen his argument. His personal attacks on the Prime Minister, referring to him as Kirribilli John and Honest John in a deprecatory fashion, put me off rather than put me on side. I do not think that there is room for that sort of debate in this place, particularly when we should be attempting to mend any fences that need mending.

I do not know why the Prime Minister decided to take CHOGM elsewhere. Mr Stanhope raised the question rhetorically. But he did not answer it, so I can only assume that he has made no attempt whatsoever to find out why the Prime Minister decided to take CHOGM some place else. The Prime Minister may have had perfectly legitimate reasons. He has not yet chosen to tell us what they are, but my proposed amendment to this motion will ask him, which I think is a perfectly reasonable thing to do.

Mr Stanhope, as I said, raised the question rhetorically. It is a good question. I would like to know why the Prime Minister did it too. But condemning him is not going to get the answer. To ask him might get the answer. That will be the thrust of the amendment that I am circulating. It may just be that the Prime Minister has become heartily sick of being bagged by people in this town. I must admit, sadly, there have been times when the Chief Minister has been part of that bagging process. Mr Stanhope was part of it today. Maybe the Prime Minister just felt that he was not welcome here - I do not know.

It is perfectly reasonable to ask the Prime Minister to explain to the people of Canberra why he made the decision that he did and to put forward the reasons that justify his decision. If he does that, the people of Canberra may well be prepared to accept them. I might be prepared to accept them. Even Mr Stanhope might be prepared to accept them. It is a perfectly reasonable thing to ask him rather than condemn him.

The amendment proposed by the Chief Minister flows on from my amendment. The net effect will be that we ask the Prime Minister to explain to us and to the people of Canberra why he made the decision he did and then be more positive than that and go on and deal with the matters that the Chief Minister has put**.** With that amendment, the motion becomes a motion that I can support. Without that amendment, it is a motion that I would not support.

MR QUINLAN (11.14): John Howard as Prime Minister has shown himself as willing as any of his predecessors to play politics. I suppose we should not have been surprised that the promise of CHOGM coincided with the last ACT election and now has been withdrawn or reneged upon. I hear Mr Kaine's pleas on behalf of Mr Howard. He regards as vilification terms such as Honest John and Kirribilli John, when in fact the man has proven himself to be an exemplary family man. Ask his brother Stanley. The Prime Minister spared no effort in sparing his media adviser to shepherd his son through recent trauma before the courts, and he has given his family a more than adequate roof over their head at Kirribilli, albeit with a $2m refurbishment under the management of Mrs Howard.

I think we can now reasonably conclude that John Howard never intended that CHOGM should come to Canberra and that, consistent with the politics of the process, announced its withdrawal on 31 December 1999, the day before the new millennium celebrations, which would hopefully subsume the announcement in other news and celebrations.

The concern I have is this: If Mr Howard is prepared to delude Canberra on CHOGM what else is he prepared to delude Canberra on? Even though some money has been spent, how genuine is John Howard in relation to the VFT? Is that just another one of those build-ups, another example of hope-of-tomorrow politics?

People before me have said that Canberra business is now railing against the decision - and why wouldn't they? - and are seeking compensation. There is an intriguing situation here. On about 14 January a spokesman for Mrs Carnell said that the Prime Minister was receptive to the idea of compensation and that they had discussed other matters. Given that this announcement was made on 31 December and the two people involved

were on holidays, I wonder when those discussions took place and when the decision not to hold CHOGM in Canberra was really made. I remain intrigued with regard to that.

The Chief Minister has quite reasonably brought forward an amendment which calls for some improvements to Canberra which might enhance our capacity to host a CHOGM. There will shortly be circulated in my name a proposed amendment to that amendment which calls upon John Howard to work within CHOGM to reduce the size of CHOGM, which seems to have become bigger than the Olympic Games, so that more than a few Commonwealth countries can host CHOGM. It seems ridiculous that an organisation the size of the Commonwealth would have a Heads of Government Meeting that could not be accommodated in a city as well appointed as Canberra.

Mr Howard should do that not just in the interests of Canberra but in the interests of many other Commonwealth countries. Fiji, Kiribati, St Lucia, Tonga, Western Samoa and so many of the Commonwealth countries must not have anywhere near the facilities that are available in Canberra. Part of the problem is the size of CHOGM itself. I will add to those countries New Zealand. Wellington has a population of about 300,000. What Mr Howard needs to do, if he is positive about this at all and if we want to be positive about this, is to move within CHOGM to reduce the size of the thing to a reasonable magnitude so that it truly can be a meeting of Commonwealth heads hosted by as many Commonwealth countries as possible.

I support Mr Stanhope's motion. Mr Stanhope made the very valid point that, worse than not getting CHOGM, for arguably political capital we were given CHOGM and had it taken away. As Mr Stanhope said, that has damaged and will damage our reputation, and it has damaged and will damage our status and our standing. Therefore, all members of this Assembly who have Canberra at heart should support this motion.

MR SPEAKER: Move your amendment, Mr Quinlan, please.

MR QUINLAN: I move:

> After proposed paragraph (b) insert the following new paragraph:
>
> "(ba) working within the Commonwealth Heads of Government Meeting to rationalise the magnitude of future meetings to ensure that they are capable of being hosted by more Commonwealth nations than would be the case at present.".

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.21): Mr Speaker, it is a matter of regret that the Assembly needs to take the step today of considering a motion of this kind on an issue that is quite fundamental to our image as a city and our reputation as a place that can do business and, in particular, can host important meetings in an efficient and effective way. This problem would not have been anything like as severe, of course, had the decision been made originally some time ago to host CHOGM in some other place, in Brisbane, Adelaide or somewhere else. The enormous problem that Canberra has experienced has stemmed from the fact that Brisbane was chosen after Canberra's nomination as the host

city for CHOGM in 2001. The indication that there was some problem with the hosting of CHOGM in Canberra is the issue that has most concerned the ACT community, and certainly concerns the ACT Government.

As the Chief Minister said, the relocation of the 2001 CHOGM meeting to Brisbane is a great disappointment to the ACT Government. It is also a great disappointment, I think, to the people of the ACT. CHOGM would have lifted Canberra's profile as Australia's national capital significantly in the eyes of the world, particularly in the year in which we celebrate our centenary of Federation.

As the Chief Minister has pointed out, there are many benefits arising from hosting a Commonwealth Heads of Government Meeting in a city such as Canberra. The economic value of hosting CHOGM for the ACT was estimated to be greater than $10m. In addition to this direct economic benefit, it would have strengthened our reputation as a quality conference destination and trade relations would have been established, renewed and enhanced by having many people from other parts of the world visit the city. We would also have received international media exposure.

It is clear from the Durban meeting of CHOGM that international media coverage can have an enormous impact, providing the host city with the opportunity to showcase itself to potential international investors and make an immense contribution towards attracting more international visitors to the city - the kind of effect that we anticipate will be the case with the hosting of Olympic soccer in Canberra this year.

The Chief Minister has explained to us in detail the history of the process that led to Canberra being chosen as the host city of the 2001 CHOGM. She has explained how the ACT Government made its bid and how the Prime Minister announced Canberra as the host city for CHOGM, subject to suitable accommodation arrangements being found. She has also explained how the Prime Minister announced the decision to relocate CHOGM to Brisbane and issued a media release to this effect on New Year's Eve.

We have also heard the Chief Minister explain the two reasons given by the heads of the Commonwealth Government's CHOGM 2001 task force for relocating CHOGM to Brisbane. The reasons were the size of the event relative to the facilities in Canberra and the commitment of heads of government to streamlining the CHOGM format, particularly to minimise the disruption and time spent travelling to and from the retreat venue. I might say that I hardly need to tell anybody in this chamber that there are a significant number of extremely good sites available within the Canberra region for the hosting of a retreat by Commonwealth heads of government. We do not have to assert that as any kind of hypothetical or putative statement because CHOGM has previously conducted a retreat in this region, namely, at Bowral in about 1978. That was a very successful meeting, a very successful retreat, and there is no reason whatsoever why the Canberra region could not again host a retreat that would minimise the disruption and travel between the main meeting venue and the retreat venue.

In addition to the Federal Government's statement on this matter, the Chief Minister has tabled the submission to the Federal Government of the ACT business community. That submission further details the impact of the Federal Government's decision to relocate CHOGM. The ACT business community has stated clearly how the decision will impact

on our economy, on our reputation as a host of international events, on our role in the centenary of Federation celebrations and on the perception of Canberra as the national capital of Australia. The local business community's strength of feeling is only too apparent in this submission.

The ACT Legislative Assembly must, of course, pay serious attention to this strength of feeling and the ACT Government has a role in taking whatever steps it can to ensure something like this does not happen again. Mr Speaker, that is the fundamentally important part of this process. Regretting what has occurred and condemning the responsible parties is one matter. Some may revel in that process, even excessively. I have to say that I regret some of the language which has been used today. It is not language designed to persuade the Federal Government towards a different approach towards the city of Canberra.

One thing we can and should do is take on board any potential reasons that Canberra might have been overlooked for hosting a major meeting like this one and work to ensure that in future those reasons cannot, with any credibility, be advanced by anybody. The Chief Minister's amendment to the motion of Mr Stanhope deals with that issue. It deals with the upgrading of the Canberra Airport to accommodate a wider range of aircraft, it deals with supporting the development of a strategy to enhance Canberra's accommodation and convention facilities and it deals with the submissions themselves, which have argued for a different approach, in future at least, to the hosting of these sorts of events by Canberra.

One positive outcome of this experience is that the local business sector has united to put forward the submission that the Chief Minister's amendment refers to**.** The ACT Government is pleased to see this outcome because this cooperative approach gives the Government a united voice to talk to, and that is a very important development. As the Chief Minister has explained, there are three basic issues for Canberra: The quality of hotel accommodation available, the space available at the National Convention Centre and the proximity of a retreat venue with five-star resort facilities.

Regardless of whether we accept the Federal Government's grounds for relocating CHOGM to Brisbane, it is apparent that the Federal Government has not taken steps to mitigate the impact on Canberra, and that also remains a matter of concern. The Chief Minister's amendment to Mr Stanhope's motion seeks to address the impacts of the late announcement of the change to the venue for CHOGM. As the Chief Minister has pointed out, we want to go further than this and take a proactive approach to looking at the issues. We want to address key areas where steps can be taken towards ensuring that this situation will not arise again.

As we all know, Canberra already offers a number of advantages for the hosting of major international gatherings. But, as the Chief Minister has said, there are two key areas which would make a significant contribution. These are upgrading the runway at Canberra Airport to allow a wider range of aircraft to fly directly to Canberra and enhancing conference facilities here. I hope, in particular, that the effect of the amendment being passed today will be that the Federal Government will indicate its support for Canberra's capacity to host meetings to be enhanced in this way.

I also want to draw attention to what the Chief Minister has said about the willingness of members on this side of the chamber to criticise Federal colleagues where that is appropriate and called for. Lest we should be too taken in by the chest-beating that has occurred on the other side of the chamber, we should remember that the ACT Opposition, the ACT Labor Party, has always been very quick, very willing and very free with its criticism of Liberal governments, particularly Federal Liberal governments, when they have taken decisions which have hurt, as this decision has hurt, the city of Canberra, but we have yet to see any examples of the Labor Party taking the same approach when decisions of a similar nature have been taken by a Labor government.

Mr Stanhope: Garbage.

MR HUMPHRIES: I invite Mr Stanhope to table a copy of a press release, media statement or report in a newspaper or journal or an extract from a television or radio report that demonstrates what I have said is wrong. Mr Stanhope, you know that you will not find such an extract, because one does not exist. *(Extension of time granted)*

No doubt we will see that principle demonstrated in the debate on the very next motion that we will be facing today in the Assembly - a motion that someone said condemns the Premier of New South Wales. I think it is fairer to say that it passes some mild criticism of him, by implication, by criticising his Government's decision. We will see what this Labor Opposition has to say about a motion like that. We have set the tone today. We are prepared at least to contemplate a motion that is critical of the Liberal Prime Minister of Australia. Let us have the Labor Opposition demonstrate its bona fides by getting up and demonstrating that it is prepared to criticise the Labor Premier of New South Wales.

Mr Stanhope: What is humble pie, Attorney? You are making a goose of yourself, mate. Wait until the next motion.

MR SPEAKER: You cannot have a goose in a humble pie.

MR HUMPHRIES: Okay, I am making a goose of myself. That is fine. I am happy to be put in the oven and roasted nicely as a goose, if you will table for me the media statement - - -

Mr Stanhope: Just stand up after Ms Tucker's motion and beat your breast in apology.

MR HUMPHRIES: That is fine. You have said that you and your people are prepared to condemn a Federal Labor government and have done so. I invite you to table the press release that you have put out on that subject in the past.

Mr Stanhope: I will just repeat back to you - - -

MR SPEAKER: Order! You will repeat nothing. Mr Humphries has the floor.

MR HUMPHRIES: I will repeat the words that I have just said, Mr Speaker; that is, that you will not find a media statement made by the Labor Party condemning their Federal colleagues.

Mr Moore: Their Federal leader.

MR HUMPHRIES: Their Federal leader and their Federal parliamentary colleagues. You will not find one. The invitation stands for Mr Stanhope to prove otherwise.

MS TUCKER (11.34): The Greens also are concerned about the process that occurred with CHOGM and also believe that it appears to be an indication of the Prime Minister's lack of affection or respect for Canberra as the national capital. We think that Canberra would have been a fine venue if accommodation and facility issues were handled with imagination, but we think that the Prime Minister is a bit challenged by imagination in any form.

We see this city as being positioned in the landscape, rather than astride it. It would have offered the world an image of Australia which is innovative and yet unpretentious. However, the situation we have been left with means that we will not see this opportunity realised. The motion and the various amendments to it are making the point quite clearly that we would like to see the issue addressed. I am prepared to support most of Mrs Carnell's amendment, but I would not support the first part of it, paragraph (a), because I am concerned about the environmental implications of that aspect of the amendment and would not be prepared to get behind it at this point; otherwise, the amendment seems reasonable.

Mr Quinlan's amendment to Mrs Carnell's proposed amendment seems reasonable as well. I was at a CPA meeting in New Zealand a couple of years ago when there was discussion about how big the event had become and whether the members of the executives group or something like that should be accompanied by their spouses and who should pay for the visit to the conference. That is an issue for healthy debate. It can happen within these organisations; so I do not have any problem with Mr Quinlan's amendment. I think that it is quite useful. It seems as though the situation got a bit out of hand in Durban although, as I understand it, there were particular circumstances there relating to security and there were a lot more people there than normally would be the case. That is my understanding of why the numbers were so huge in Durban. I do not know whether that was properly taken into account in the assessment that was later made of Canberra and the decision to change the situation.

It is a great shame that we are not having CHOGM here. It would have been a good opportunity for Canberra. It would have been an opportunity for the Prime Minister to show support for Canberra and to show how Australians are innovative and could have done it really well if the commitment had been there.

MS CARNELL (Chief Minister) (11.37): I wish to speak briefly to Mr Quinlan's amendment**.** Mr Quinlan is asking the Federal Government, I understand, to work to limit the size of future CHOGMs. I would have to say that I think that that would be a very silly proposition for this Assembly to put forward as it would be argued that obviously we do not know what we are talking about. The reason the CHOGMs have

got bigger is that there is now a youth forum. Do we want to get rid of that? I do not think so. Do we want to get rid of the NGO forum? I do not know. Do we want to get rid of the business forum that goes with CHOGM? Do we want to suggest that some of the 54 countries should not come this year because we want it to be smaller? I just do not think that we know what we are talking about when we ask - - -

Ms Tucker: We are just asking for it to be discussed**.** What are we afraid of? It is just a discussion.

MS CARNELL: Why do we want it discussed? Are we as an Assembly saying that CHOGM is too big? I would have to say that I do not know whether CHOGM is too big; so to put forward an amendment on something that we have no idea what we are talking about seems a little presumptuous, shall we say. My understanding is that a 10-person eminent committee, headed by Mr Mbeki, has been set up to look at the future of CHOGM. I am sure that a letter from this Assembly to Mr Mbeki would make the world of difference. I just do not think that we really know what we are asking for here. Maybe CHOGM should be bigger; I do not know and I do not think anybody else in this Assembly knows. I am just saying that, before we do something just because it seems like a good idea at the time, let us have a little bit of a think about what we are asking for.

What we are doing is asking the Commonwealth Government to work with the Commonwealth Heads of Government Meeting to rationalise the magnitude of future meetings to ensure that they are capable of being hosted by more Commonwealth nations than would be the case at this stage; so we are actually asking for CHOGM to be smaller. I have to say that I do not know whether CHOGM should be smaller and I do not think anyone in this place knows that, either.

MR MOORE (Minister for Health and Community Care) (11.40): Mr Speaker, I think there is another reason - in some ways, perhaps a more important reason - for opposing Mr Quinlan's amendment, that is, it is not consistent with the rest of the motion. The motion is about Canberra. It is about the location of the conference in Canberra. I am pre-empting the Assembly in the sense that if the amendment of Mrs Carnell were passed we would be talking about asking the Commonwealth to put in place a strategy that enhances the ability of Canberra to handle conferences of this type and kind, and appropriately so as the national capital. To open up a second line of argument then, as Mr Quinlan has done, and say, "By the way, let us also have a rethink about how big CHOGM is anyway", is not pertinent to what we are trying to do. I am not arguing that it goes to the extent of being inconsistent with standing orders, but we should be giving a clear indication of what we are doing.

We know that we have lost CHOGM. I must say that I was impressed with some of the things that Mr Kaine had to say about that. The question is: Do we want to let it go there or do we want to make sure that the Prime Minister understands our dissatisfaction with and disappointment about the fact that it has been lost? Let us make sure that we have the wherewithal to be able to allay the sorts of concerns that he has and that Mr Kaine spoke about trying to elicit from him. Mr Speaker, I think it is appropriate for us to leave Mr Quinlan's amendment for a different motion or for a letter - it does not have to

be worked out in the Assembly - to the Prime Minister saying, "Why don't you consider this?", or following it up in a different way**.** But it is appropriate to oppose Mr Quinlan's amendment at this stage.

MR RUGENDYKE (11.42): Mr Speaker, I wish to speak to what has been tabled so far. The meeting held with representatives of Canberra business, various political parties and the other interested parties at the National Convention Centre was generally in agreement that there is no point whingeing about the loss of CHOGM to Brisbane. Rather, we should concentrate on what the ACT and the Commonwealth need to do to attract future meetings of that magnitude to Canberra**.** In fact, to highlight the ACT's need to lift its game to be able to host future meetings, I made a note at that meeting that the National Convention Centre is probably the first place that needs to be upgraded to a national standard.

To point out simple, basic things, the coffee was lukewarm, two of the four screws holding the handle onto the coffee pot were loose and you were not sure whether you were going to spill coffee all over your cup, and the teaspoon was bent. If they cannot put on a simple meeting for a dozen interested people, what hope have they got of handling a CHOGM? Mr Speaker, rather than whingeing about losing CHOGM and simply thumbing our nose at the Prime Minister in the form that Mr Stanhope's motion says we ought to do, we should support Mr Kaine's foreshadowed amendment and then support the amendment moved by the Chief Minister, which, I presume, will follow the vote on Mr Kaine's foreshadowed amendment.

Amendment (**Mr Quinlan's**) negatived.

Amendment (**Ms Carnell's**) agreed to.

MR KAINE (11.45): Mr Speaker, as I indicated before, the intention is to be more productive, and I do not believe that we are going to achieve very much by condemning the Prime Minister. I think that it is far better to ask him to enter into dialogue with the people of Canberra as to why he took the decision that he did. I have an amendment which would achieve that. It takes out most of the words of Mr Stanhope's original motion and inserts, instead, the words "requests the Prime Minister of Australia, Mr John Howard, to explain to the people of Canberra why the decision was made to host the Commonwealth Heads of Government meeting at a venue other than Canberra, and to outline the reasons which, in his view, justify that decision". The Chief Minister or the Deputy Chief Minister mentioned a CHOGM task force that gave some argument. Were those the reasons that the Prime Minister used to justify his decision? If so, we would like his confirmation of that.

I think the amendment speaks for itself, Mr Speaker. But there is one other matter, of course. If my amendment were passed in that form, it would immediately undo the good work that the Chief Minister has done; so I need to amend the preamble by deleting all words after "Assembly" up to and including the word "meeting" and inserting those words in lieu thereof. That would leave Ms Carnell's amendment intact. I seek leave to move that amendment.

Leave granted.

MR KAINE: I move:

> Omit all words after "Assembly" up to and including the word "meeting", substitute the following words:
>
> "requests the Prime Minister of Australia, Mr John Howard, to explain to the people of Canberra why the decision was made to host the Commonwealth Heads of Government Meeting at a venue other than Canberra, and to outline the reasons which, in his view, justify that decision".

MS CARNELL (Chief Minister) (11.47): Mr Speaker, the Government will be supporting Mr Kaine's amendment. We will be supporting the amendment not because we are in any way supportive of the Prime Minister's decision - I am sure that everybody in Canberra knows our views on that - but because of the point that many of us have made in this debate about going forward and looking at what it is possible to achieve in the future, rather than playing petty politics. I have to say that I would have accepted the Labor Party's motion until we had the petty politics that were played out on that side of the house in terms of personal criticism.

If this motion had been about the decision not to have CHOGM in Canberra, I have to say that I would have been much more comfortable with it, but it ended up spreading to a wide range of issues surrounding the Federal Government, and there were some pretty ordinary personal comments. I do not believe that it is in the interests of anybody in this place to support that sort of petty politics. On that basis, we will be supporting Mr Kaine's amendment.

MR SPEAKER: I have one small point to do with housekeeping, Mr Kaine. You will need to delete the word "and" at the beginning of Mrs Carnell's amendment.

Mr Kaine: Mr Speaker, as I read it, Mrs Carnell's amendment would flow on from mine, because it includes "and calls on the Prime Minister". I think that it reads straight on from the end of my amendment.

MR SPEAKER: In that order. Right**.** We will take Mr Kaine's amendment first and add it to the front of Mrs Carnell's amendment.

MR STANHOPE (Leader of the Opposition) (11.49): Just in relation to that, I am quite surprised by Mr Kaine's amendment and his attitude to this matter. I think that he is expressing incredibly naivety in relation to his fond hope that the Prime Minister will now explain to the people of - - -

Mr Kaine: I am a lover, not a fighter.

MR STANHOPE: So I am discovering, Mr Kaine. I am having some difficulty in responding to you in this new mode. Mr Kaine is incredibly naive if he believes that, after a delay of two months, the Prime Minister will suddenly deign to explain, in a formal sense, to the people of Canberra why the Commonwealth has resiled from the

decision to hold the CHOGM conference in the ACT. I think we need to dwell on that a little and we need to dwell on the facts as we know them. The Chief Minister's announcement in relation to the decision not to hold CHOGM in the ACT was delivered on 31 December, the last day of the year. I think that was the day that the Chief Minister left for a short holiday.

We think that there is some evidence, reading between the lines in relation to media articles on the decision in relation to CHOGM, that the Prime Minister advised the Chief Minister of the decision in the week before Christmas. That is what we think. There has been some comment from the Chief Minister's spokesperson in relation to the issue. We know from the *Canberra Times* of 14 January that the Chief Minister and the Prime Minister held negotiations, as they were called by the *Canberra Times*, about the decision. The Chief Minister has held negotiations already with the Prime Minister about the decision not to hold CHOGM here. One would assume, Mr Kaine, that the Chief Minister is very well placed to advise this Assembly and the people of Canberra in detail of the reasons why the Prime Minister removed CHOGM from Canberra because of the negotiations she has already had with the Prime Minister about the decision.

The report that we have from the *Canberra Times* of the Chief Minister's spokesperson is that the Prime Minister was receptive to the Chief Minister's ideas on what should now flow from the decision to take CHOGM from Canberra. So the Chief Minister knows what the reasons are; she already has them, and they have been reported. I am not quite sure when this happened because, as I understand it, at the time the Chief Minister's spokesperson was giving this interview to the *Canberra Times* both the Chief Minister and the Prime Minister were on holidays. I assume that they broke from their holidays to hold these negotiations that the Chief Minister's spokesperson refers to. He went on to give some detail as to those negotiations. The *Canberra Times* reported that the Chief Minister's spokesperson was able to tell the *Canberra Times* that the decision, to quote the *Canberra Times* of 14 January this year, was made on the basis that Canberra was not equipped to accommodate 55 heads of government and their entourages. Of course, there was a significant cost to the Territory as a result of that.

There is some detail that we would like to know. I am a little surprised that the Chief Minister did not take the opportunity presented by this debate to give the Assembly all the details of the Prime Minister's decision as would have been revealed in those negotiations. Surely the Chief Minister did not enter into negotiations with the Prime Minister about his decision without saying, "John, why did you do this? Surely you remember, John, that on the day before the last ACT election you promised CHOGM to Canberra**.** You are now taking it away. Why are you doing that?". Are we to believe that in those negotiations the Prime Minister did not tell the Chief Minister or that the Chief Minister did not ask, "Why did you take CHOGM from us?".

In terms of the submission which has been made by the business community and which the Chief Minister, through her amendment, has now provided for this Assembly to endorse - points (a) and (b) were taken from that submission; perhaps she should have included a few other points in there as well - what is the sense of doing that now? When the Chief Minister relays this motion to the Prime Minister, I imagine the Prime Minister will write back saying, "Dear Chief Minister, I told you during our negotiations

the reason that I took CHOGM from the ACT. I explained that to you in our negotiations, Chief Minister; do you not remember?". I am not quite sure what Mr Kaine hopes to expect, other than a letter back from the Prime Minister saying, "I have already negotiated on this matter with the Chief Minister. She can tell you what I told her".

In terms of the almost puerile point the Chief Minister makes that this debate has descended to petty politics and personal comments, it has not at all. We have a Prime Minister who, quite obviously, hates Canberra. I think you could put it as extremely as that. The Prime Minister- - -

Ms Carnell: Comments about the Prime Minister's brother and that sort of stuff are not petty politics?

MR STANHOPE: When did I mention the Prime Minister's brother? The Prime Minister's brother has nothing to do with this.

MR SPEAKER: No, it has not; that is true.

Ms Carnell: Your deputy did and you are both on the same side.

MR STANHOPE: There was absolutely no reference to that. The politics of this matter and the politics that have not been explained are the reason for the decision - - -

Mr Humphries: I take a point of order, Mr Speaker. The member is misleading the chamber, Mr Speaker. We will have a *Hansard* to look at. Do you remember the reference to "family man", Jon?

MR STANHOPE: Was that how you construed that? Is the Liberal Party feeling a little tender? Is the Liberal Party feeling a little sensitive?

MR SPEAKER: Order! Come back to the subject of the debate, please.

MR STANHOPE: You must be feeling very tender. I do reject the suggestion that we should not investigate the basis on which this decision was made. We are all talking about ensuring that this sort of thing never happens again. In order to ensure that something like this does not happen again, one of things you must do is seek to understand how it happened in the first place. It is the same with everything in life. If you do not understand the basis, you cannot ensure that it will not happen again. We do need to investigate how the decision was made. What was the basis on which the decision to hold CHOGM here was made? Why, 18 months ago, was Canberra capable of hosting CHOGM when today it is deemed to be not capable? What was the decision-making process that led to both of those decisions, the initial decision to hold it here and the second decision to take it away?

There is a need for the Prime Minister and those decision makers who took it away to be accountable for the damage that they have done to Canberra. For this Assembly to walk away from condemnation of the Prime Minister and the Commonwealth for what they have done to Canberra leads one to the only conclusion that one can draw from this, that

is, that Liberal Party solidarity is more important than the future of Canberra, that it is more important not to condemn the Prime Minister in his hour of greatest need, as he is on the rack, than to protect the future of Canberra.

Mr Kaine: On a point of order, Mr Speaker: I draw the Assembly's attention to the fact that I am not a Liberal.

MR SPEAKER: There is no point of order, Mr Kaine, but I take the point.

MR STANHOPE: I had come to that conclusion, Mr Kaine, but today you are sorely testing the conclusion I had come to in relation to that. I do wonder about those leopards. I commend my motion to the Assembly, Mr Speaker. I think the suggestion that it be watered down, that the Government and some others feel that it is not necessary to condemn the Prime Minister for a decision that is costing this community an enormous amount in terms of dollars, reputation, standing and future capacity to attract business really does beg the question how much this Government does care for Canberra.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.58): Mr Speaker, I want to comment briefly. In light of this debate, I think that Mr Kaine's amendment is to be preferred. This Government has made quite clear that it is prepared to take its Federal colleagues to task in all sorts of ways, including publicly in the newspapers, on television and on radio, where that is necessary to stand up for the people who have elected us to our present positions, the people of Canberra. It has troubled me greatly that this opportunity to try to unite the community in expressing concern about the CHOGM decision has been used by the Opposition essentially as a petty point-scoring exercise. It is important to remember that Mr Howard is not the only culprit, to use the Labor Party's lexicon, in this matter. It takes two to tango. Let us not forget that Mr Beattie, the Labor Premier of Queensland, also had to cooperate in making this transition possible.

Ms Carnell: He made some horrible comments.

MR HUMPHRIES: In fact, as the Chief Minister points out, Mr Beattie made some horrible comments. Let me quote some of those horrible comments by the Labor Premier of Queensland, the Hon. Peter Beattie:

> It is crucial that the heads of government and the media leave the country after CHOGM with positive reactions about Australia and the way in which the meeting was organised.
>
> There was a risk that by holding the meeting in Canberra that world opinion leaders could have been left with a negative reaction.

What negative reaction does the Premier of Queensland think people would have by having a meeting in Canberra? My colleagues opposite have fallen strangely silent in suggesting some reason for that. It is very easy to attribute motives to the Prime Minister and describe in all sorts of unpleasant ways what they think about the Prime Minister's view and how much contempt he has for Canberra. I wonder what words they

would use to describe Peter Beattie's approach to Canberra, as evidenced by this press release. Again, I quote from the press release of the Queensland Premier of 3 January:

> It was perceived at the outset that Canberra might not measure up.
>
> It is pointless for people to whinge and try to squeeze CHOGM back into Canberra.
>
> The decision has been made.
>
> I congratulate Mr Howard for having the courage to make the decision.

Mr Speaker, it does not sound to me as if the Prime Minister is the only person who may have had a little bit of lack of confidence in Canberra, the national capital, to host this meeting. I think that this motion, in having a go at the Liberal Prime Minister of Australia and omitting strangely the cooperation of the Labor Premier of Queensland, betrays that the motion is not entirely about doing the best for Canberra, but is also about having a go at the Liberal Party, particularly federally.

MR SMYTH (Minister for Urban Services) (12.01): Mr Speaker, I will add a few words as well**.** It is interesting to compare the different styles of the Opposition and the crossbench. Mr Kaine has been condemned for attempting to be constructive. I hope that *Hansard* records the excellent response from Mr Kaine that he is a lover, not a fighter, to which Mr Stanhope admitted that he was unable to respond. Why was he unable to respond to it? It was because it was constructive.

What have we seen from Labor over the last five years? At every turn they have tried to undo everything that this Government, in particular, has done to build up Canberra. I am sorry that I do not have with me the list that I started to write down during the 1998 campaign of words that people were saying about the ACT Labor Party - that they whinge and whine, carp, carry on, grizzle, beef, grouse and complain. The words just went on and on.

If Mr Stanhope got out into the community a little more, he would understand that what Mr Kaine is saying is an opinion that was being expressed there. For instance, at a Tuggeranong Community Council meeting a week or two ago it was suggested that the council write to Mr Howard asking for a similar explanation. The difference between the Opposition and the crossbench is that Mr Kaine is actually reflecting what the community wants, whereas Mr Stanhope just lives in splendid isolation, as always. He does not know what he is talking about. The Opposition cannot appreciate that the people of Canberra want something constructive. They want to get on with the job of building up Canberra, as the Carnell Liberal Government has been doing. It is very important that we take the opportunity where we can to be constructive. What we have from Mr Kaine is his request, very neatly dovetailing with Mrs Carnell's amendment, that we put forward constructive suggestions to the Federal Government, whereas the words that Mr Stanhope has used do not.

It is curious that Mr Stanhope's condemnation lies simply with the Prime Minister. There is not a word in there about Mr Beattie and the words that he has said about Canberra. Perhaps next private members day we will have another motion from Mr Stanhope condemning Mr Beattie for the words that he said about Canberra, but I doubt it. That is something we never get from the Labor Party in this place. They will never attack their own. They will never say that Mr Beattie is wrong, that Canberra is a fine place; but they are willing to stick the boot into Mr Howard at any opportunity.

Mr Stanhope went on to say that solidarity was more important than Canberra to the Liberals. That is not true, it is just not true, and the record of the last five years, the record that the first Carnell Government and now the second Carnell Government have put in place, is that where appropriate we have stood up on every occasion for Canberra and we have attacked governments of both persuasions, Labor and Liberal. Mr Stanhope actually worked for a Labor government that took some 4,000 jobs out of Canberra, but I do not recall a motion in this place from the then Labor Government condemning the Federal Labor Government for what it was doing to Canberra in those years.

It is quite clear that this is just about petty politics. It is not about being constructive. Members of the Opposition are isolated and they are divided because they offer nothing. When you ask them what they stand for, they cannot tell you. They will never offer anything constructive because they have nothing to offer. I am not surprised that Mr Stanhope could not respond to Mr Kaine's assertion that he is a lover, not a fighter. What Mr Kaine said shows quite clearly that he would much rather get on with the job and be constructive than just be a knocker. All we have come to expect from the Labor Party is that they will knock anything that anybody would do to build up Canberra if it has the potential of keeping them out of government. That is all they are about. They do not care about Canberra because they have done nothing to improve it over the last five years.

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

Motion, as amended, agreed to.

REGIONAL FOREST AGREEMENT FOR THE SOUTH COAST

Debate resumed from 8 December 1999, on motion by **Ms Tucker**:

> That this Assembly calls on the Chief Minister to write on its behalf to the Premier of New South Wales, the Honourable Bob Carr, requesting that the Regional Forest Agreement for the South Coast:
> (a) protects the 15 community reserve proposals developed by the South East Forest Alliance;
> (b) supports the development of a local wood products industry based on plantation forests; and
> (c) excludes woodchipping of non-plantation forests.

MR CORBELL: Mr Speaker, I seek leave to speak again.

Leave granted.

MR CORBELL: I move:

> Paragraph (c), before "excludes", insert the word "progressively".

The Labor Party will be supporting this motion this morning. Perhaps it is the Chief Minister's lucky day. She is going to see a Labor opposition criticise a potential decision - I should stress "a potential decision" - of a Labor government. That is the important point - the New South Wales Labor Government has not made a decision on this very important issue. So now is an appropriate opportunity for the Canberra community, through the representatives in this Assembly, to express a view.

Why is it important to express a view? It is important because this issue affects an area which is dear to the hearts of many Canberrans. Indeed, it is dear to the hearts of a great majority of Canberrans. Any one of us who has visited and enjoyed the natural environment of the south coast will understand the importance of this issue. I am sure that the environment Minister will join me in those sentiments when, hopefully, he rises in the debate later this morning.

The issue of the south coast forests and the regional forest agreement is an important one. The proposal put forward by Ms Tucker asks this Assembly to support the proposal which protects the 15 community reserves developed by the South East Forest Alliance. Last year when Ms Tucker moved this motion the Labor Party achieved an adjournment of it. We did that because we felt this was a complex issue that deserved to be properly considered by this place rather than dealt with within a 24-hour period. The Labor Party has had that opportunity and we have considered this issue to be one worthy of support.

What are the 15 community reserves? They are reserves that cover the areas of Greater Murramarang, Monga, Greater Conjola, and Badja to name just a couple. They are reserves which would cover an area of 205,000 hectares and they would comprise approximately 180,000 hectares of state forest, 22,000 hectares of vacant Crown land and 1,800 hectares of flora reserve.

They are reserves which would protect important catchments of the Clyde River above the town of Nelligen, an area with which most Canberrans would be familiar on their journey down to the coast. It would also protect vital areas of the escarpment along the Great Dividing Range in from the coast itself. This would be an area of over 300 kilometres, the largest possible stretch available for protection if it were put into place. That is the largest possible stretch in Australia along the Great Dividing Range.

An example of areas which are dealt with in this proposal is the coastline between Ulladulla and Bawley Point, an area where many Canberrans enjoy their holidays. It is an area known as Five Lakes, an area of extremely high conservation value. It would protect the delicate and unique area of lakes such as Willinga, Meroo, Termeil, Tabourie and Burrill. These are all lakes which are extremely familiar names to Canberrans and these are all areas which are under threat of logging if the proposal for community reserves developed along an option developed by the New South Wales Government is not implemented.

I stress that again. These areas will be logged unless the position outlined by Ms Tucker in her motion and adopted by the South East Forest Alliance - indeed, one of the options developed by the New South Wales Labor Government - is not implemented. That is fundamentally why the Labor Party is supporting this motion today.

The motion today reflects on some areas which have been assessed by a system known as JANIS, a system developed by the Commonwealth Department of Prime Minister and Cabinet along with all the relevant state and territory governments. This system is designed to assess and analyse the areas that should be protected to ensure a fully representative system of forests, native forests, and pre-European settlement in Australia today. It is a system which is designed to make sure that we have a fully representative system of forests protected through reserves.

The application of the JANIS system in this area sees almost all the existing areas of state forest protected. That is what the application of the JANIS system does. This is not a system developed by one party or another; this is a system agreed to by all parties as the way to determine the amount of forest needing protection. I stress that the application of the JANIS system has found that in this area of the south coast you would need to protect almost all of the state forests to ensure that you had a representative system.

Interestingly, both sides of this debate do not advocate that as a solution - it may be preferable - but they both acknowledge that to do so would perhaps leave only 51 hectares of land available for logging. So both parties, both the New South Wales Government and people in the community through the community reserve proposal, have acknowledged that you cannot go that far. But clearly there is an urgent need to protect a large amount of land that is currently forest and potentially available for logging.

This proposal is not an extreme one by any regard. In light of the comments made by my colleague in the New South Wales Labor Government, the Premier of New South Wales, about the importance of maintaining the biodiversity of the natural world and the pressures that population is placing on the natural environment, I hope that he and his Government adopt a position which protects these very important areas in a way which is consistent with the application of the JANIS system developed by Commonwealth and state governments.

That is what this motion does today. We are here to represent the views of Canberrans. We have an opportunity today to express a view to the New South Wales Labor Government on an area which is used considerably in a great way by Canberrans. That is why the Labor Party is supporting this motion today.

On two other points, I briefly say that Ms Tucker's motion also deals with the development of a local wood products industry based on plantation forests. We have already seen the success of plantation forests in other parts of New South Wales. There is no reason why we cannot see the same occurring on the south coast. Labor absolutely supports this proposal.

The final point relates to the exclusion of woodchipping of non-plantation forests. Bob Carr, in previous elections, has made commitments to exclude woodchipping from old growth areas of forest. This proposal put by Ms Tucker is certainly consistent with that position put by the New South Wales Labor Government.

I have moved an amendment simply to insert the word "progressively" in front of that sentence at point (c). The reason is that the transition from industries which are clearly no longer environmentally sustainable has to be done in a way which takes into account the impact on the industry itself and the people employed in it. It would occur in practice anyway. We feel that that would just clarify our view in relation to woodchipping in non-plantation forests.

The Labor Party is pleased to support this proposal today. It has done so after very careful consideration. I hope the Government does the same and does not choose to play politics with it because, at the end of the day, it is an area not only of great significance in the minds of Canberrans - those who enjoy its nature beauty throughout the year - but also of considerable significance because it is one of the last large untouched areas of coastal forest and rainforest anywhere in Australia.

MR STEFANIAK (Minister for Education) (12.17): I have considerable sympathy for some of the motives and some parts of what Ms Tucker is on about. In a number of my capacities, I have had the pleasure to go through a lot of the area that she talks about. There are some magnificent natural sights in the area.

Owning a tiny bit of the far south coast myself, albeit only about 25 acres which butts onto a state forest and has quite a few trees, I agree with some of the points she raises about the ecosystem and old forests. I get particularly upset when I go down to my few acres and I see a gum tree has fallen over, especially a large old one. One on the far northern boundary fell over in two stages - one big lot came off and then sadly, six months later, the other part fell. It was also disturbing because it wrecked part of the fence line. Underneath the tree was home to a wombat. I am pleased to say the wombat is still there. It is a delight, certainly for my two young children, to see creatures such as wombats close up. We have at least one on the property.

Another part of the ecosystem are the possums - they are a bit of a pest here but in their natural habitat possums are also wonderful for young children. We have a particularly friendly one. At about 9 o'clock each night it will come up to the shack and want food. It has got rather large. We have been down there a bit over Christmas and it is one of the biggest possums I have ever seen. I am thinking of nicknaming it Bargearse. It is wonderful to see what occurs in a native forest.

The only hassle I have there is some of the introduced species such as foxes, although I have yet to catch one. My colleague Mr Smyth has indicated a device which might assist. Apart from that, it truly is remarkable what occurs in a native forest.

However, we have had some successful instances of sustainable development of forests in the past. I was just talking again to my colleague Mr Smyth, who reminded me of what occurred in the Brindabellas. There are some examples there where old growth

was logged and then successfully replanted. That occurred some 30 to 40 years ago and you can hardly tell the difference. I am also aware of areas on the far south coast where a rejuvenation process seems to be going very well.

I agree with comments made by Ms Tucker and Mr Corbell about the success of pine forests and how effective they have been. There is certainly some evidence that properly sustainable and sensible development is not incompatible with looking after the environment.

We are also talking - I am sure the local councils have discussed this and will discuss it further - about jobs. I think Mrs Carnell raised that matter in her speech. That is an important factor when she goes to regional forums and talks to shire councils**.** Maybe Mr Corbell has this in mind in his amendment. I hope that is the case.

Based on recent figures, these areas often have annual incomes of about $16,000 a year. There is a lot of unemployment and depression. The closing of the fish cannery at Eden, which employed 143 people, has led to further unemployment. Any changes that occur to those local economies can be quite devastating for families. The local economies start off on a fairly poor footing too in terms of average earnings. Certainly many of the people I speak to in the Pambula region are not well off. You only have to go into the bottom pub there to see that you are dealing with a lot of battlers - wonderful people, but battlers.

I hope that the New South Wales authority is wary about where it goes and that it has due regard to the environment and the need to sustain jobs. Ms Tucker refers to that in her comments about job numbers. If that is correct it is heartening. There is a lot to be said for new developments and pine plantations and species such as those.

However, there is a lot of strength in this motion, and in comments made by the Chief Minister, Mr Kaine and Mr Osborne that these people have their local council, their local members and I wonder whether they would take kindly to the ACT telling them what to do. I am well aware that the conservation and other forces are very strong in New South Wales. I am sure any further debate on this in the State of New South Wales would be robust indeed. When one looks at the history of New South Wales governments of various political persuasions one sees indications that they have not been averse to conserving natural resources and natural heritage and looking after the ecology.

Ms Tucker is not necessarily right in being pessimistic and fearing what might happen. I do not think that they would take a huge amount of notice of any policy or suggestions made by the ACT. There is a lot of force in what Mr Kaine, Mrs Carnell and Mr Osborne say. We might like to think that we can influence events, that as an Assembly we can make suggestions that will be acted upon by people interstate, but we are kidding ourselves.

Mr Corbell: Except when Mrs Carnell moved the motion about testing in the Pacific.

MR STEFANIAK: We have done that in the past and I do not know that it has been terribly effective. I would like to see a number of other motions passed, but I do not know how effective they would be. You talk about testing in the Pacific, but given that we have a French Embassy and a French Australian School here it is not such a silly thing to look at.

However, we kid ourselves about how much notice people take of this. There is a lot of force in the fact that these areas have their own local councils and members and some very vociferous supporters of the points Ms Tucker is putting. In the circumstances, I agree with the points made by Mrs Carnell, Mr Osborne and Mr Kaine.

MR HIRD (12.24): I shares some of Mr Corbell's concerns about the people of the Australian Capital Territory who use this area as recreational or move through it to go to the south coast of New South Wales, the Sapphire Coast.

I also question Ms Tucker's motive in trying to influence another sovereign government. I question this – this is the very point that our colleague Mr Corbell made – because the New South Wales Government has not made a decision. If that is so, then there are two members in the upper house of New South Wales that we – and indeed Ms Tucker - have turned our backs on, and they are members of the Greens in the New South Wales Parliament. I would not be at all surprised if Ms Tucker had not personally spoken to those members. Therefore she has turned her back on them.

We then look at the big picture as indicated by my colleague Mr Stefaniak, who has a reasonable holding in the area - 25 acres, as he said. He is a ratepayer in that area. Have we spoken to the ratepayers? Has Ms Tucker taken this issue up with the ratepayers or the local shires? I know that this Friday, Mr Speaker, you will be representing the ACT at a conference of shire presidents. I wonder whether Ms Tucker has chosen to go and explain her motive for this to the shire presidents or the leaders forum of the south-east region of New South Wales in the sovereign State of New South Wales, the first State of the Commonwealth. Has Ms Tucker chosen to address that conference or those people who have a vested interest? Sadly not. She would not take up those options.

Once again, it is clear that she is point scoring, grabbing political headlines. Honestly, headmistress Tucker is saying, "Damn the consequences". She is telling us that this is what we have to have. It reminds me of my grandmother giving me a dose of castor oil and saying, "It's good for you; don't complain".

Mr Corbell: I rise on a point of order, Mr Speaker. A member cannot reflect in an adverse manner on another member and I think Mr Hird has just done that.

MR SPEAKER: I do not know that it is adverse. Nevertheless I do think there is relevance and I uphold that.

MR HIRD: Mr Speaker, I take up Mr Corbell's point. Maybe my grandmother should have given him a dose of castor oil. He might have looked a little bit more cheery than he does at the moment.

Let us go back to the matter before us. There was a great debate last year not only in this place but also in other jurisdictions about the Northern Territory introducing euthanasia. Headmistress Tucker rose to her feet to tell the Federal Government to stay out of it. She said that the Northern Territory was a sovereign government and that the Federal Government should leave it alone. I agreed with that proposal. This time around Ms Tucker does not see it that way. She wants to interfere with a sovereign government in the State of New South Wales.

Ms Tucker: Mr Speaker, I rise on a point of order. I ask Mr Hird to read our motion. We are not instructing the New South Wales Government; we are requesting.

MR SPEAKER: There is no point of order, but you will be able to pick that up later, Ms Tucker.

MR HIRD: Ms Tucker is using up my time. This is one of her ploys. She knows she has the right of reply.

MR SPEAKER: You are using your own now.

MR HIRD: It is true.

Ms Tucker: Mr Speaker, I do need to help Mr Hird understand**.** I am not trying to take up time. I am trying to help him understand what my motion is. I am just trying to be helpful.

MR HIRD: Seeing Ms Tucker is being so helpful to me, she might be able to instruct me or the Assembly, when she does address this matter in reply, whether she has spoken to the Federal member for Eden-Monaro, Mr Gary Nairn, or indeed the member for Monaro, Mr Peter Webb. Can Ms Tucker inform us whether she has, in due diligence, had the courtesy to take them into her confidence and hear their comments about their electorates' concerns about jobs and the environment or whether she has personally spoken to colleagues in the upper house of the New South Wales Parliament?

Headmistress Tucker should endeavour to better focus her energies on matters concerning the ACT and affairs which affect the electorate which she was elected to represent rather than try to bring about a change in a sovereign government in the State of New South Wales. She should apply herself to matters of more importance in this place and not waste this place's time by trying to usurp a decision not yet made by a government in New South Wales.

Mr Corbell: How can you usurp a decision that has not been made?

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

Sitting suspended from 12.31 to 2.20 pm

QUESTIONS WITHOUT NOTICE

Waldorf Apartments

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. In Estimates Committee hearings in 1998 the Chief Minister revealed that the Government had provided incentives to promote the development of the Waldorf Apartments by FAI Property Management under the Government's inner city revitalisation project. At those hearings, in answers to subsequent questions without notice and in answers to questions on notice, the Chief Minister revealed that the suite of incentives offered under the scheme included remission of change of use charge, waiver of any lease variation component of the development applications and waiver of stamp duty on the sale of residential units valued at less than $250,000. In the case of the Waldorf Apartments, the value of the stamp duty waiver on residential units was in the potential order of $700,000. Now that the Waldorf project is finally complete, can the Chief Minister tell the Assembly how many of the Waldorf units are owner occupied and what the total value of the stamp duty waiver on the sale of residential units was?

MR HUMPHRIES: Mr Speaker, I need to advise Mr Stanhope that there was a change of portfolios in August last year and that I am now the Treasurer of the ACT. I neglected to send him a letter to that effect.

Mr Quinlan: Congratulations.

MR HUMPHRIES: Thank you. It is a dubious privilege. If Mr Mackerras is any guide, I will not be in the position much longer either. Mr Stanhope referred to the Civic revitalisation policy, which offered various incentives for redevelopment of office space in the city to address the excess of supply of office space and a very high vacancy rate in the Civic area. As members know, we have taken the step of offering the incentives that Mr Stanhope referred to by way of waiver of duty and other concessions to provide for a better take-up rate of office space and conversion of that space to other things, particularly to residential accommodation. For residential units, the waiver of duty was previously limited to units valued at $250,000 or less. That has now been extended to include a phased waiver of between $250,000 and $350,000. Between those limits some concession on stamp duty is available. Above $350,000 no concession is available.

The program has already had some significant successes with the transformation of a number of inner city buildings. Mr Stanhope referred to the Waldorf. There has also been the Melbourne Building as well as the Saville Park Suites on Northbourne Avenue. The change to the threshold will build on those successes and improve the viability of projects by encouraging developers to include in their plans live-in apartments, currently in strong demand, particularly in Civic.

I can advise that as of 31 January there were waivers granted for 122 units at the Waldorf Apartments, and the value of that concession was $673,400.

MR STANHOPE: I ask a supplementary question. If the Waldorf project, as just indicated by the Treasurer, received incentives in the form of stamp duty waivers on the basis of the sale of residential units, can the Treasurer explain, if he knows, whether or not it is true that the submission to the Commonwealth Government on the decision to relocate CHOGM, the submission prepared by the ACT business sector and tabled by the Chief Minister in this morning's debate, refers to the Waldorf as a four-star hotel, one that offers one three-bedroom presidential suite, 27 two-bedroom suites and another 105 suites? Can the Treasurer advise the Assembly whether, if that is the case, the incentive was mistakenly offered on the basis that the project proposed was a residential development? If so, will the Government investigate whether it should seek reimbursement of any moneys waived?

MR HUMPHRIES: I think Mr Stanhope has misunderstood what was occurring in respect of those apartments. They are units being offered for residential purposes, but they are also capable in some cases of being used in other ways. I understand that in respect of the potential to hold CHOGM in Canberra there was an agreement that some units in those apartments would be available on a hotel basis for the - - -

Mr Wood: Just as they are today. They are right now.

MR HUMPHRIES: That is fine. If they are available on a hotel basis, then presumably they would have been available as four-star hotel rooms for visitors to Canberra during CHOGM.

Mr Stanhope: Is the Waldorf a four-star hotel?

MR HUMPHRIES: The units are individually owned, as I understand it - at least most of them are. I assume it is possible some are owned for investment purposes or possibly some are owned by the Waldorf itself. The point is that the units were capable of supplying hotel-type accommodation during CHOGM. But they also clearly qualify as residential units for the purposes of the concessions that were offered by the Government's revitalisation scheme. Anyone has only to look at that building to appreciate that it has been a great success in turning disused, fairly unsightly office accommodation in the centre of our city into bright, attractive, functional residential accommodation, whether it is temporary hotel-type residential accommodation or residential accommodation of a more conventional kind. Either way, I think it has to be seen as a considerable success.

Gas-fired Electricity Generation Plant

MR QUINLAN: Mr Speaker, my question is to the Minister for Urban Services in his role as Minister for the environment - a high-profile Minister for the environment, according to today's *Canberra Times*. Minister, your Chief Minister, when extolling the virtues of the proposed partnership between AGL and ACTEW, stated that an ancillary benefit would be the establishment of a natural gas-fired electricity generation plant. I recall that she asserted that this would make a positive contribution to the ACT greenhouse targets, addressing 50 per cent of greenhouse concerns, according to the *Canberra Times* of 7 December 1999. Can you explain to the Assembly how this would happen, or is it the case that the ultimate purchaser of the plant output will be entitled to

the associated greenhouse credits? Are you aware that the plant would be required to sell its output into the open market, with only a remote chance that we in the ACT would be the ultimate purchaser of that output?

MR SMYTH: Mr Speaker, it is quite clear that natural gas as a source of power generation is far preferable to some of the sources of electricity that we currently have, which include brown coal in Victoria. Unlike Mr Quinlan, I think that if AGL and ACTEW were running the power station we would have more than just a slim chance of purchasing green electricity from that plant. In fact, we would endeavour to purchase all that we could. I am sure that the green electricity that will come from this plant will flow to the ACT and benefits will flow to the people of the ACT as well.

MR QUINLAN: I ask a supplementary question. Could it be, Minister, that after the establishment of such a plant the ACT could well have an increase in its output of pollution by hosting the plant, but receive no credits from its operation because the output was purchased elsewhere?

MR SPEAKER: There are a great many hypotheticals and qualifications in the question. Be aware of them, please, Minister.

MR SMYTH: Mr Quinlan does not understand how the audit is done. You take account of the emissions that are generated for yourself. We do not take account of emissions that are not generated on behalf of the people of the ACT. If we are using electricity here and pollution or greenhouse emissions are associated with it, in both cases we would have that credited to us. If it is not being used here, they are not credited to us. He cannot have it both ways.

This technology is good technology. This is a great opportunity for the people of the ACT. This is the third time these people have now stood in the way of securing the future of ACTEW. As we said this morning when we talked about Mr Kaine's amendment to Mr Stanhope's motion, all they are about is whingeing. There are no positives. There is no looking forward. There is no supporting the future of Canberra. All they want to do is tear it down. We are trying to build it up.

Department of Treasury and Infrastructure - Quarterly Performance Report

MR KAINE: Mr Speaker, my question, through you, is to the Treasurer. It relates to the performance report for his department, the Department of Treasury and Infrastructure, for the December quarter last year, which was recently tabled. It establishes a mark for reports that are of absolutely no value whatsoever. I do not know who, apart from myself and Mr Rugendyke, might read this report, but if anybody else does they will know that it reveals almost a studied lack of information. According to this report, at output 2.3, the department's taxation research project was 186 per cent above target on a year-to-date basis, because of "the number of applications for tax exemptions for corporate reconstructions". We might reasonably ask: What tax exemptions, for what corporate reconstructions? But of course the report is silent on that matter. That is not my question, however. I note also that appeals and litigations processed against the year-to-date target of five were in fact 14 up to the December quarter, an increase of 180 per cent on the year-to-date target. But this report says that the reduced number

"reflects the complexity of appeals cases at hand". It went from five, target, to 14, achieved, but it was a reduced number, according to this report. One would have hoped that Mr Humphries' bean counters could discern that this was in fact a greatly increased number, at least prima facie, unless there is something there that I do not understand. Finally, compliance revenue per inspector is reported as 149 per cent over target, because of "a large one-off compliance inspection". We might reasonably ask: What one-off compliance inspection? But that is not my question either. It is pretty obvious that the report is incomprehensible. I am getting to my question. What I am pointing out to the Treasurer is that his report is meaningless. So I ask my question. Will you, Minister, undertake to instruct your department to provide in future full, frank and informative information in these reports that is of some use to us, rather than the rubbish that is in this report? Secondly, do you not agree that in its present form each page of this so-called quarterly performance report might perform a more useful purpose if it were carefully torn into four pieces and stuck on a nail in a more appropriate place?

MR HUMPHRIES: Could I ask Mr Kaine to repeat the question, please, Mr Speaker?

MR SPEAKER: It was a long preamble, but go on.

Mr Kaine: I will repeat the question if you like.

MR HUMPHRIES: No, thank you. We do not want that. Without seeing the detail of what Mr Kaine is concerned about, it is hard to answer the question.

Mr Stanhope: There is no detail. That is the point.

MR HUMPHRIES: These reports are not detailed annual reports. These quarterly reports do not describe what the department was doing in a given period of time. They are measures of output as determined against predetermined indicators. We will set up in advance as a test the number of appeals processed by the department, for example, and there will be a target and there will be a percentage performance against that target. We can have plenty of debate about how well indicators describe the objective we are trying to achieve of measuring the performance and effectiveness of our particular agencies. We have had plenty of debate within the Government about that sort of thing, and I have no doubt that members will have views about that matter.

I think the best thing for me to do is pick up the issues Mr Kaine has raised in his long question and examine them and see whether they indicate a need to change the way we produce our reports. If Mr Kaine has some views about how we should do them, that is fine. When Mr Kaine was Treasurer there we no such reports, so it is hard to compare what was done in the past with what is done at the moment.

Mr Kaine: If you make no mistakes, you attract no criticism, Minister.

MR HUMPHRIES: That is true. Reports of this kind are an exercise in trying to quantify what it is that we do and in trying to indicate whether we are doing it as well as we hoped. I will take Mr Kaine's question on notice and examine the issues he has raised.

MR KAINE: Mr Speaker, I have a quick supplementary question. Thank you for that response, Minister. I am sure that when you have a look at the report you will decide that it is singularly uninformative. If we are getting a report, we need to know what it means, and I do not know at the moment. Given that the one report of failure against target was in connection with objections against revenue collections - we did not meet that target - will the Treasurer investigate at the same time whether the department's imposition of a $50 objection fee is discouraging Canberrans from exercising their democratic right to appeal against government decisions that they believe to be unfair?

MR HUMPHRIES: Mr Speaker, if the department has not reached its revenue targets, it will be most unusual. My experience is that the department has always been very conservative about revenue targets. When you are putting together a budget, it is very tempting to say, "We can be a little bit less conservative about revenue targets. We think we are going to do better than we are doing on these projections. Can we do better than that?". As Mr Kaine probably recalls, they are very conservative about these sorts of things.

I am not sure I would say that a $50 objection fee would contribute to a situation where we were undershooting on revenue targets. In fact, I would have thought that the objection fee helped us to achieve the targets because people presumably are less likely to complain about an assessment of revenue that they have had. But I could be wrong about that. I will be open-minded about that, and I will examine the matter that Mr Kaine has put in his supplementary question as well.

Information Technology Contracts

MR CORBELL: Mr Speaker, my question, through you, is to the Chief Minister. Chief Minister, can you confirm that the Government's information technology arm, InTACT, has told local IT recruitment companies who have been dislodged by the new single tenderer, Interim HR Solutions, that they are not to contact Interim to discuss the payment of a handling fee and the buying out of the contracts of the contractors who will now be employed by Interim?

MS CARNELL: I have no idea what private discussions have taken place between InTACT and anybody else. How would I, or why should I?

MR CORBELL: I ask a supplementary question. Mr Speaker, why has the Government, through InTACT, decided to forbid local Canberra IT companies from negotiating some form of compensation for the transfer of contractors originally engaged by them for InTACT, when this is a common industry practice? Chief Minister, if you do not know, will you find out?

MS CARNELL: Mr Speaker, it is certainly not the Minister's role to know what InTACT talk about with companies they deal with on a day-to-day basis. If Mr Corbell thinks it is, he is simply wrong. I am fascinated that Mr Corbell would think that InTACT was operating so efficiently prior to last December that it was appropriate for InTACT to be dealing with in excess of 20 - actually it was more than that - individual suppliers of expertise, of staff, and that that was a better situation than going out to public tender to get a single supplier of contractors. If Mr Corbell honestly believes that

the old system was more efficient than the new system, I think he should say that, because it will indicate to the whole industry, and certainly to every business in the ACT, that he just does not know what he is talking about; that he has no idea at all.

There is no doubt that a couple of smaller companies that missed out on contracts are unhappy about it. Those opposite will never be in government unless they can deal with that on a day-to-day basis, because it happens and it will inevitably happen. What governments want to do is look for better and more efficient outcomes - better ways for organisations like InTACT to operate in the future. That is what this is about - better efficiency, better usage of staff, keeping budgets under control and providing better outputs and better government.

It would seem that Mr Corbell is very keen on keeping things in the past, operating with multitudes of smaller indirect suppliers. The people we are talking about here are suppliers of contractors. That is not to say they have not done a good job. We were operating with individual contractors supplying one staff member or two staff members each. Now we are operating with one company with a very solid future in the Canberra market to provide our contractors, because it is more efficient and better for the long-term prospects of InTACT.

I will support, and I think my Ministers will support every day, an approach that creates better use of taxpayers' money and greater efficiency. It is interesting that Mr Corbell's knowledge of any of this is so bad that he does not understand that.

Mandatory Sentencing Laws

MS TUCKER: My question is directed to the Chief Minister. It is really a continuation of the question I asked yesterday regarding the ACT Government's position on mandatory sentencing laws in the Northern Territory and Western Australia. Yesterday, Chief Minister, you stated in your response that you did not think this issue was compelling enough to warrant the Federal Government taking away the democratic rights of the Northern Territory Assembly to legislate on this matter. The reason why so much concern has been generated about these mandatory sentencing laws is that they contravene the UN Convention on the Rights of the Child. I would like to quote some relevant articles from that convention. Article 37(b) states:

> No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

Article 40.1 states:

> States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the

> child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Article 40.4 states:

> A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

My question, Chief Minister, is: Could you tell us whether you think this UN convention is important enough to warrant the Australian Government taking action, if necessary using external affairs powers, to ensure that laws within the whole country, not just the Territory, are consistent with this convention?

MR SPEAKER: Excuse me, Chief Minister. Standing order 117(c)(iii) states that questions should not ask Ministers for a legal opinion.

Ms Tucker: On a point of order: I am asking for the ACT Government's position on the role of conventions. That is basically what this is about. If this ACT Government does not have a position, then they just need to say so.

MS CARNELL: Mr Speaker, I am happy to answer the question.

MR SPEAKER: You cannot give a legal opinion, Chief Minister.

MS CARNELL: That is right. That is exactly what this about. There are a number of different opinions on whether the approach that the Northern Territory and Western Australia have taken is in contravention. The only entity that can determine that is a court, not this Assembly. Similarly, as Ms Tucker will know, there is a reasonable body of opinion that believes SIPs are contrary to international conventions and others that believe that they are not. Some people with reasonable profile believed that going ahead with the SIP was in contravention of an international treaty. We did not believe so in this place. It was our balanced view that it was in the best interests of the people who live here in the Territory to go ahead with that approach.

It is not up to this place or for me to give a view on whether mandatory sentencing is contrary to the international convention. I have heard both arguments put. I have a personal feeling, but it is not appropriate for me to put that forward in answer to a question. It is only a personal opinion. If the Commonwealth Government believes that the Northern Territory and Western Australian governments have contravened an international treaty, then I am confident they will take that to the courts. If not, the governments elected by the people in that Territory and that State should be able to determine what government they have in place and determine whether those governments should stay in government.

MS TUCKER: I ask a supplementary question. If the Chief Minister were to find herself in the situation, representing the ACT, where it became clear that there was general agreement that this convention did hold a position for the argument against the laws in the Northern Territory, what would be the position of the ACT Government on the role of conventions and on the role of the Federal Government?

MR SPEAKER: That is totally hypothetical.

MS CARNELL: Now we are totally hypothetical. If a court ruled that the governments were acting contrary to an international treaty, then it would not be this Assembly that determined which way forward they took it. We have been subject to a situation in this house, both on heroin trials and on SIPs, where we have had legal opinions both ways. Legal opinions have said that they were contrary and that they were not contrary. But we went ahead anyway. Why? Because I believed and the majority of people in this place believed that the approach we were taking was in the interests of the people who live here. For the life of me, I do not understand why this is different. If they are contravening an international treaty, then the Federal Government will follow up in the courts.

Reid Court

MR WOOD: Mr Speaker, my question is to the Minister for housing. Minister, I am sure you have been advised, if you needed to be, that accommodation in this town is tight. Vacancy levels are at record lows, and the usual January influx of students and transferees has meant that the pressure is on rental properties. There are stories of prospective tenants who are so desperate to secure a property that they would offer far more than the rent that is being asked in order to secure a tenancy. As it was revealed during the discussion on the plight of the Kosovars, there were at that time hundreds of government rental properties untenanted. Families who are desperate would welcome the opportunity to move to suitable vacant properties. Others properties might not be livable, I acknowledge, without extensive and expensive work, and I agree with the Minister that we would not want to move people into housing that does not meet the standards of the Residential Tenancies Act, so the Minister need not spend his time answering the question on that point. My question particularly concerns one example in the heart of the city - and can we stick to this? - Reid Court in Allambee Street. Up to eight units in this desirable older persons housing complex have been vacant for some considerable time - or they were a week ago when I looked around and spoke to people. Some have been painted and recarpeted. My question is: Why have you not acted to fill them? Will you also, in answering, scotch the rumour that you would like this site to be sold?

MR SMYTH: Mr Speaker, since I became the Minister for housing, it has been my constant aim to ensure that we house our tenants in appropriate housing and that we get appropriate mixes of tenants so that the amenity of one group is not spoiled by the arrival of another group in that locality. The block of units that Mr Wood speaks of has predominantly an older population and they live on the ground floor. Why do they live on the ground floor? Because unfortunately in their ageing years the second floor is often very hard for them to utilise and does not give them the level of amenity they need. We offer appropriate tenants those units where we can, in the expectation and the

hope that somebody will take them. We have to make sure that we do not ruin the amenity of the tenants currently there by putting in another group who may have a different lifestyle. Having the ground floor for older tenants and turning the first floor into party central with a whole lot of young singles is not looking after the needs of the existing tenants.

We do offer those units, and I would love to see those units tenanted, but this is symptomatic of the problems that we have in the mix and blend and the location of the properties that we inherited from the Federal Government a decade ago. We now have a large blend of housing units which are awkward for our need or are not needed at all. That is why this Government is making sure that we meet the needs of the tenants, not making sure that the tenants meet what we have to give them. In our social agenda and in making sure that there is social justice for all our tenants, we do meet where they want to be.

Our longest waiting lists are in Tuggeranong and Belconnen. You can get accommodation fairly quickly in the inner north. But a large number of our tenants want to be with their support networks. They want to be with their family. They want to be with in-laws or grandparents. They want to be with their network of friends. They want to be where they grew up. Often we will have locations where we cannot tenant properties reasonably. We should not be forcing an unholy mix where you ruin the amenity of one group simply to fill units. The last thing you want to do is put a large number of older tenants on the second floor, where it is unsuitable for them. They turn them down. They have options and they turn them down.

Under this proposal of Mr Wood's we could certainly put a whole lot of young people in there, but that might not meet the needs of the existing tenants. I do not think it is fair to ruin the amenity of existing tenants. We are looking for solutions. We are selling off inappropriate properties if we no longer require them or we have a large number of that style and making sure that we buy back into the market. For the information of members, we are also making sure that we build appropriate accommodation and that we use adaptable housing where we can so that over the life of a property it can be used by the same family as that family grows and then contracts in its later years. This Government is making sure that we meet the needs of the tenants where they are rather than trying to shoehorn them into properties that are not suitable or are not required.

MR WOOD: I ask a supplementary question. What a lot of empty wind! Really, Minister, I do not think you did yourself credit. I will come back to you with a number of properties that are on the ground floor. If you are trying to tell me you cannot find suitable tenants for that place, nobody will accept that. Minister, you did not answer the part of my question about scotching the rumour that you might sell that site. If you do not want to answer that, if you do not get up and make some comment, would you come back to me in a day or two and tell me what your department's strategic asset management plan has in store for that site?

MR SMYTH: It is our endeavour always to make sure that our properties are as they should be and that we accord amenity to our tenants as we should do. I am not aware of any intention to sell that property at this stage, but the Government has always said that we will not play the game of ruling in and ruling out. If it was appropriate for that

property to be sold at a later time, then it should be sold. If the property should be retained, then it will be retained. What Mr Wood knows and what Mr Wood does not tell the Assembly is that when any ACT Housing property is sold the money goes back into ACT Housing. If it is appropriate to change the mix, the blend and the location of the houses and the properties that we have, then we should do it. What we should not be bound to is a 30-, 40-, 50-year history of being in a certain street. We should be meeting the needs of the tenants. We should not just be meeting the needs of the system.

ACTEW/AGL – Proposed Joint Venture

MR OSBORNE: My question is to Mr Humphries. Minister, would you please outline the processes that the Government followed in choosing to enter into negotiation for a joint venture between AGL and ACTEW, particularly why tenders were not called after the expressions of interest had been received and why a probity auditor was not appointed from the outset, as occurred in South Australia and Victoria?

MR HUMPHRIES: Mr Speaker, I have indicated already to this Assembly that the process of calling for expressions of interest on potential partners for ACTEW was a process that was steered substantially by the ACTEW board. ACTEW invited expressions of interest. They received 39 such expressions of interest and they then proceeded to examine them in detail.

ACTEW is the commercial body which is responsible for establishing the kind of position it will take in the marketplace in response to the highly competitive and most unsettled and unstable marketplace that I have described on a number of occasions already in this place. It is their responsibility to give advice to government on the way in which they should be able to take on that challenge as a commercial enterprise. It was their responsibility to consider the various expressions of interest. It was their decision, having done that, to identify a potential partnership with AGL as the best way of progressing the needs of ACTEW and, in turn, the ACT community - the shareholders in ACTEW, in effect.

Mr Speaker, calling for a tender in that process would have been inappropriate. It is not simply a case of saying, “We have a business. Who wants to tender to be part of our business or to share in our business opportunities?”. There are countless variations on how that particular question might be answered, and people could be answering quite different questions. People might be bidding for different parts of the business in order to do a particular partnership. They might be bidding for different kinds of relationships. They might be bidding for a purchase or sale of part of the business. There is no easy, strict comparison between particular proposals.

AGL put forward a sound proposal which reduced exposure on the part of ACTEW and gave it a chance to broaden its base within the energy market in Australia, to expand into gas as well and therefore minimise risk by taking that step. The ACTEW board firmly recommended to the Government that this was an appropriate proposal to explore, and the Government is now doing that.

Whether there should have been a probity adviser was a matter that was left to the ACTEW board. I have heard comments by Mr Quinlan that a probity adviser should have been appointed before now. I think there is an argument for that.

There is also an argument for allowing the process to proceed on the basis that there was a negotiation of a commercial kind going on. The Government has not imposed on ACTEW a view that it ought to have a probity adviser. That is a matter on which I remain open-minded. I believe that we should consider what is best designed to achieve the objective which I have stated in answer to the question, which is to position ACTEW in the best possible way to retain its value as an asset belonging to the people of the ACT.

MR OSBORNE: I ask a supplementary question. I am somewhat confused why a probity auditor was not appointed. I think you said it was because the ACTEW board decided they did not want one, but you were open-minded about it. Will you request the ACTEW board to now appoint a probity auditor to go over this process so all of us in the Assembly can be comfortable with what has gone on?

MR HUMPHRIES: Mr Speaker, I am quite capable of writing to the ACTEW board and saying to it, "I want you to consider appointing a probity auditor". But I would be absolutely astonished if the people who make up the board of ACTEW at the moment have not already considered that issue. I think I would be teaching my grandmother how to suck eggs by saying to them, "Have you thought about a probity auditor?".

Mr Smyth: Or dishing out castor oil.

MR HUMPHRIES: Or issuing them with castor oil as an alternative. The shareholders could probably write and instruct the board to appoint a probity auditor. I am not convinced that that is necessary, given the position the board has taken that it does not need a probity auditor on this process. Bear in mind that AGL is not an insignificant and not well-established player in the existing energy market in Australia. They are not fly-by-nighters. They are not an overseas company with shadowy origins and unknown shareholdings. They are a substantial, very reputable Australian company.

Ms Carnell: And they are not based in Vanuatu.

MR HUMPHRIES: They are not based in Vanuatu, another thing in their favour. They are a company with which ACTEW can have face-to-face dealings with a certain amount of confidence that they are dealing with a reputable potential business partner. I will consider the issue that Mr Osborne has raised as to whether there should be a probity auditor from this point on. I will also discuss the matter with the chief executive of ACTEW to see whether they believe there is value in that process. But I will also be indicating that I will consider carefully the advice they give me on the necessity for such a step to be taken.

Residential Development - Tuggeranong

MR HIRD: Mr Speaker, I am delighted to learn that the Government has released a large number of residential blocks, which will mean jobs. My question is to the Minister for Urban Services. It follows Mr Wood's comments earlier in question time. Is the Minister aware of the comments by our colleague Mr Wood supporting further residential development in Tuggeranong?

MR SMYTH: Mr Speaker, I thank the member for his question. I am sure it is of interest to all members, particularly the members for Brindabella. The Government has announced that two sections of land designated under the Territory Plan for residential use will be released shortly. The two sections of land in South Tuggeranong known as Conder 9 and Banks 3 will be released for housing development, and some land in Calwell has also been proposed for development. About 500 blocks in all are expected to be auctioned in June.

I am aware of comments made by Mr Wood, as reported by the *Valley View* this morning. I hope that Mr Wood gets support from his colleagues in caucus on this matter, because I am sure that Mr Wood understands the serious impact that an end to residential development would have on the future of Tuggeranong. I have no doubt that Mr Wood is also aware of the broader environmental and economic consequences that such a decision would have on Tuggeranong. They would go well beyond the boundaries of Tuggeranong.

For those members who, unlike Mr Wood, are more interested in cheap populist moves than in securing the future of Tuggeranong, let us reflect on what it would mean to Canberra if we ceased all development in Tuggeranong. As I have said before, everybody's rates would go up. As I said more than a year ago, when Tuggeranong was planned, infrastructure was built based on a certain population projection, and that projection has not yet been reached. For us to underutilise those assets would mean that somebody would have to pay for it. Let us quote Mr Wood on the matter, because I think Mr Wood got it quite right in the *Valley View* this morning. Mr Wood said:

> Since the infrastructure is linked to these developments which are part of the Territory Plan, it is appropriate that they be developed.
>
> It makes good economic sense because it's cheaper than opening up whole new areas somewhere else. There are just a few of these pockets around the place and they should all be developed. As for facilities, well you've got shops, schools, playgrounds … while there's some facilities that may still need to come, for the most part the facilities are there.

What happens if Tuggeranong does not grow as it was designed to do? What happens if we do not meet that population? The infrastructure will be underutilised, schools may not be viable and local shopping centres may no longer be viable either. In other words, ceasing residential development in Tuggeranong will guarantee future school closures and the failure of retail centres.

I know Mr Wood cares deeply about the people of Tuggeranong, and he recognises that fewer schools and fewer shops also mean fewer jobs in Tuggeranong. I wish this was universally understood in the Labor Party, but it is not. Roads and schools will have to be built somewhere else at considerable unnecessary cost to the environment, to the community and to the budget.

I have heard the Labor Party spokesman, Mr Corbell - it is a shame he has taken the opportunity to leave - talk about the importance of Canberra's land bank for future residential development. Indeed, despite the Government's action plan to save yellow box and red woody grasslands in Kinlyside, Mr Corbell has said in the past that this area must be retained for medium-density housing. Even if he perhaps does not have the same regard for the environment as clearly Mr Wood does, Mr Corbell understands the importance of utilising our potential residential land for Canberra's future growth.

More than 12 months ago I made the point that Tuggeranong needs employment opportunities like any other town centre in Canberra. Without constant renewal, without an employment base of its own, Tuggeranong will wither. Freezing residential activity in Tuggeranong will do just that. Mr Wood knows that. Mr Speaker, I am not prepared to see that happen. As Mr Wood knows, Tuggeranong's local centres are dependent on the growth of Tuggeranong to its full potential.

Like Mr Wood, I want the people of Tuggeranong to have the same access to services like shops. Like Mr Wood, I want older residents of Tuggeranong to have the confidence to know that their local shops will not be forced to close down as average household size falls. Falling average household size is a fact all over the country - indeed, all over the developed Western world. We can either accept this and plan for it, or we can allow our suburbs and town to become vacant, pointless spaces. Planning is about caring for the future. It is about securing the future. It is not about cheap stunts to secure short-term political advantage. I know that Mr Wood knows that, because Mr Wood has been a planning Minister and he has also been an environment Minister.

In summary, I do not support the end of residential development in Tuggeranong. As I said more than 12 months ago, I support the full development of Tuggeranong to the extent that it is set out in the Territory Plan. I do this because I want my family to have jobs and local shops and because I want other Australians to enjoy the same opportunities that I have to live in the most friendly part of Canberra. In finishing my answer to Mr Hird's question, I would like to put on the record my thanks to Mr Wood for his support on this matter and for his recognition of, and his commitment to, the people of Tuggeranong.

Mr Wood: Mr Speaker, can I ask my question about Reid Court again right now? I might get a different answer.

MR SPEAKER: No, you cannot. You may sit down. Mr Hird has a supplementary question, it appears.

MR HIRD: Mr Speaker, I can understand Mr Wood's excitement about the answer given by the Minister. I thank the Minister for such a precise, detailed answer to my question. My supplementary question is: Is the Minister aware of the diversity of views on this matter?

MR SMYTH: I thank the member for his question. There is a diversity of views on this issue. I have certainly spelt out my views and the Government's views on this matter in the past, in a number of different forums, and I think Mr Wood's views are quite clear as he has made them quite prominent in this morning's *Valley View*.

But, of course, there is a different view. It is that residential development should cease forthwith in the Tuggeranong Valley. That is the view of Mr Wood's colleague Mr Hargreaves. In stark contrast to Mr Wood, Mr Hargreaves was quoted in an earlier edition of the *Valley View*, that for 16 November 1999, as saying:

> The people in this area don't see any need for the … development, they don't want anything in there, and I would add my concern that … we ought to have a moratorium on residential development …

"Moratorium" is an odd word. I went to my *Oxford Dictionary of English Etymology* to find out exactly what the origin of the word "moratorium" was. It is quite an interesting word. If you look at the words on the same page, you see words like "morose", "more", "moribund", "morbid" - that one is rather fitting -"moron" and "mortal". "Mortal" means "subject to death". That is the effect of a moratorium on residential development in Tuggeranong. John Hargreaves would sentence Tuggeranong to death. For this reason, the Government will side with Mr Wood on this issue.

I do not know whether anybody else remembers the old English pop T-shirts that people used to wear in the 1980s. They had "Choose Life" on them. I think that is what we should do for Tuggeranong. We should choose life. We should stop Tuggeranong from becoming the moribund place that Mr Hargreaves would have it be. I am with Mr Wood on this. While we clearly have our share of morons, Mr Wood is not among them.

I am aware of a diversity of views within the Labor Party. Interestingly, we are missing the view of one person I thought would have represented Labor on this issue. I notice that he is still missing from the chamber. While Mr Wood and Mr Hargreaves are clearly at odds about planning for Tuggeranong's future, where is Labor's spokesman on planning issues, Mr Corbell? The person who should have an opinion on this is not here, and, judging from the press release he put out yesterday, he does not have a view on it at all. He believes it should go off to an independent planning official. The role of the Assembly and its elected members, according to Mr Corbell, is to shut up and listen to what a bureaucrat tells them. Mr Corbell is back. Welcome back, Mr Corbell.

I understand that the Labor Party has a diversity of views on what democracy is, particularly over the last half a century. I would trust the people of the ACT, and particularly the people of Tuggeranong, on that every time. Yes, there is a diversity of views. There is a view that Tuggeranong needs to develop to its full extent to protect jobs in Tuggeranong, services in Tuggeranong, and the environment. There is a view that we should halt development immediately and hope that Tuggeranong can withstand

the King Canute-like changing demographics to smaller households and the risk to local jobs. And there is a view that decisions on development should not be made by an elected Assembly through the Territory Plan but should be made by a bureaucrat. There are all of these views in just one Labor caucus.

Motor Vehicle Inspections

MR HARGREAVES: I ask my question of the Minister for Urban Services. I do so with some trepidation because I fear he may put his hand into his pocket, whip out that piece of wet lettuce and flog me again with it. I am a bit worried that. On the weekend of 4 and 5 February 2000 vehicle inspectors were out in full force inspecting motor vehicles. An article in the *Canberra Times* on 6 February reported that vehicle inspectors were testing registration status, tyres, lights, windscreens, noise, exhaust conditions, engine smoke, seatbelts, windscreen wipers and general body condition. Can the Minister say whatever happened to inspecting things like brakes, steering, suspension and wheels? Would a system that inspects all of these things not be safer for road users than inspecting the cosmetics of a normal motor vehicle?

MR SMYTH: No, it would not. The system that we have ensures that all vehicles will be roadworthy every day of the year. The system that Mr Hargreaves refers to again shows that the Labor Party is trapped back in the 1960s. These people offer nothing new. They are stuck in a time warp where you have to have everything as it was. Our system is far more effective because all Canberrans and all road users in the ACT are on notice every day of the year that their vehicles must be roadworthy.

The things that Mr Hargreaves read out were the things we were testing for in that blitz. We have had several blitzes recently concentrating on different items. There was one the previous weekend that concentrated on loads going to the tip and the condition of trailers. We work in conjunction with the police to make sure that everybody is aware that every day of the year their vehicle must be roadworthy. Our system, we believe, is effective. Their system is just an indication that they simply wish to live in the past.

MR HARGREAVES: I ask a supplementary question. I take my handkerchief out to wipe the water from the wet lettuce off my face. I understand, Minister, that only three defect notices were issued on the weekend of 4-5 February. Does this not mean that more vehicles are driving around with better windscreen wipers, et cetera, but they are not necessarily safer vehicles, and that these drivers may have a false sense of security? Would they have driven away and perhaps not had their vehicle checked more thoroughly, knowing that there was no system of checking it?

MR SMYTH: I can see that Mr Hargreaves is in favour of long queues and unroadworthy vehicles. We all know the rorts that were carried out as people made their vehicles roadworthy for one day of the year. Tyre swapping, gear box swapping and all the sorts of tricks people are well acquainted with were carried out regularly in Canberra. It cannot happen under this system. It cannot be done, because people do not know where the random vehicle testing sites will be.

Mr Hargreaves' own admission is that we issued only three defect notices that weekend. Is that not a validation that the people of Canberra are taking the safety of everybody on the road seriously by making sure that their vehicles are roadworthy? The vehicle inspectors are well qualified and have a lot of experience in what they do. Mr Hargreaves refuses to acknowledge that you can sometimes do something a little bit differently and a little bit better and often a whole lot more effectively and save some money at the same time. We are still trapped in the sixties with Jon Stanhope and his Labor team.

Therapeutic Protection Orders

MR RUGENDYKE: My question is to the Minister for children, youth and family services, Mr Stefaniak. Minister, what strategies, including training and resourcing, have been put in place to prepare for the imminent application of the Children and Young People Bill, including the appropriate resourcing for the provision of therapeutic protection orders?

MR STEFANIAK: I thank the member for the question. Mr Rugendyke, I refer you back to the debate on the Children and Young People Bill. During that debate mention was made of the preparations for the introduction of that particular piece of legislation, which is due to come into force in a few months' time. In fact, a fair bit of training is already occurring. Groups are being organised, and as we speak training is going on in some of the offices to prepare people for the introduction of that actual legislation.

Conference on Policy Advice

MR BERRY: My question is to the Chief Minister. A flyer distributed as an insert in the *Canberra Times* this morning advertises a forthcoming two-day conference on performance measures for policy advice. The conference promoters offer participants the opportunity to associate with Australia's and New Zealand's premier policy practitioners and to enjoy the benefits of their success. The Chief Minister is listed as a keynote speaker, although unfortunately incorrectly named as the Chief Minister and Treasurer. This probably sends a message that she is probably still hanging on to the Treasurer part a little bit. Never let it go. The Chief Minister is to address the conference on the topic "What am I looking for in policy advice?". Before you all jump up and say "political expediency", let me go on. According to the flyer, the Chief Minister - listen to this - will offer a unique perspective on how Ministers appraise policy advice and discuss the work undertaken in the ACT Chief Minister's Department regarding the development of standards with which to evaluate the quality of policy advice. Can the Chief Minister advise the Assembly which issues she will use as case studies? Will the Chief Minister include, for example, the fatal implosion at the Canberra Hospital which resulted in the death of one of our citizens or the failed rural residential development at Kinlyside? Would you use that one?

Mr Stanhope: Put that one in.

MR BERRY: Put that one in. That would give them an example. These are really all what-not-to-dos, not what-to-dos. Will the Chief Minister include the failed attempt to sell ACTEW and all the bodgie information that went with it, or the illegal expenditure

of unappropriated funds to redevelop the Bruce Stadium? Would you include that one? What about the futsal slab? You cannot really complete the picture without the futsal slab, can you? No picture of the Liberal Government in the ACT is complete without the futsal slab, the little green slab down by the lake that thousands admire every day. Could we ever forget CanDeliver? I do not think we could ever forget CanDeliver. I think you should throw that in. That is a what-not-to-do as well. To cap it all off, we must throw in Feel the Power of Canberra. I think it would be excellent if you put Feel the Power of Canberra in the what-not-to-do list. And if you are really looking for something to demonstrate what not to do, throw in the Feel the Power numberplates. I reckon they were a little pearler as well. Are these the sorts of things, Chief Minister, that you will throw up as case studies in your keynote address?

MR SPEAKER: Chief Minister, if there is anything to answer, you might try to answer it.

MS CARNELL: Mr Speaker, isn't it great that my Government is regarded nationally as one of the most competent governments in this area? All of us get asked regularly to speak at these sorts of conferences, and people pay significant amounts of money to come and listen. Why? Because we are regarded as the leaders in these sorts of areas. I am proud of that. Isn't it sad that Mr Berry is so negative about everything? The reality is that he still has not got over losing two elections in a row. Boy, when he lost, he lost big time. The people of Canberra have determined that we are by far the best choice in this place, and international conference organisers also believe that we are the sort of government that should be asked regularly to speak on quite a wide range of topics - things like accrual accounting, financial management, Public Service reform. I know Mr Berry is feeling very unhappy that he has never been asked to speak on accrual accounting, management of health budgets or maybe betting systems originating from islands in the Pacific. I am very happy that we are regarded as leading in national areas and asked to speak at conferences that people pay a lot of money to go to.

MR BERRY: I have a supplementary question, Mr Speaker. Can the Chief Minister say whether she is being paid to address the conference or whether she is paying to address the conference? Would she advise this Assembly what rate she is being paid if she is being paid? Is it the stand-up comedian rate?

MR SPEAKER: Chief Minister, you may answer what part of that you see fit.

MS CARNELL: I can answer. I really have no idea about the basis of most of these conferences, because I usually do not get into those sorts of things. If I am paid to speak, then that money goes straight back to the ACT Government. Sometimes I am paid and sometimes I am not. As this conference is in Canberra, there will not be any travelling expenses or whatever. I have to say I do not know. I will find out. Normally the way these conferences work is that they pay travelling expenses, accommodation and so on but no speakers fees. That is the normal approach. I can guarantee that I was approached to speak. We did not ask to speak. We were approached - and not for the first time - simply because we as a government are regarded as very competent.

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

PUBLIC SECTOR MANAGEMENT ACT – EXECUTIVE CONTRACTS
Papers and Ministerial Statement

MS CARNELL (Chief Minister): Mr Speaker, I present, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of short-term contracts made with Gordon Lee Koo, Irene McKinnon, Pamela Davoren, Mark Kwiatkowski, Sue Birtles, Gerry Cullen and John Thwaite; and Schedule D variations made with Sandra Lambert, Peter Gordon and Beverley Forner. Mr Speaker, I seek leave to make my usual short statement with regard to the contracts.

Leave granted.

MS CARNELL: Mr Speaker, I ask all members to view the information that is presented confidentially and appropriately. I thank members for treating these contracts as confidential documents in the past.

PRESENTATION OF PAPERS

The following papers were presented by **Mr Humphries**:

> Financial Management Act, pursuant to section 26 – Consolidated Financial Management Reports for the months and financial years to date ending 30 November and 31 December 1999.
>
> Ministerial Travel Report for the period 1 October to 31 December 1999.
>
> National Crime Authority – Report for 1998-99, including financial statements and the report of the Australian National Audit Office, dated 17 September 1999.

REGIONAL FOREST AGREEMENT FOR THE SOUTH COAST

Debate resumed.

MR SMYTH (Minister for Urban Services) (3.36): Much has been said both when we discussed this in December and again today. The points on the day go to Mr Corbell for the St Augustine approach to woodchipping: Lord, let there be less woodchipping, but let it not happen now. If members of the Labor Party are serious about what they are saying, it is curious that they would insert the word "progressively". What we have here is a non-answer from the Labor Party. In the transcript of last year, the first point that Ms Tucker makes is the following:

> I realise that I may not see that view supported in this place. I am raising it here because it is of concern to me that we do not in practice see this place acknowledge the fact that we are part of a bio-region.

That deserves to be put to rest right from the start. What you see from this Government is its leadership in the regional leaders forum. You are going to the shire presidents on Friday. I think there was an invitation there from Mr Hird this morning for Ms Tucker to go and explain her stance to the shire presidents. When we deliver the State of the Environment Report - in clear acknowledgment that we are part of a region and that environment issues do not know the boundaries that we draw on maps - it encompasses the region.

For instance, when talking on water issues, I constantly acknowledge that the water that flows in from surrounding New South Wales flows back into surrounding New South Wales and that we must act as a region. Ms Tucker refuses to acknowledge that. There is another thing that Ms Tucker, in her initial speech, refused to acknowledge. I quote from the *Hansard*:

> The ACT's plantations are being ignored in the development of a timber industry plan.

That is at odds with the constant activity we have around the ACT and the constant discussions we have with other groups in New South Wales. All the timber marketed by ACT Forests is derived from plantation forests. These belong to the ACT Government, the New South Wales Government or private owners in the region. We discuss these issues with them all the time. The ACT Government, for instance, supports the 2020 vision to triple the area of plantations in Australia. To that end, ACT Forests is an active participant in the Southern Tablelands farm forestry network, which is actively supporting the establishment of new plantations in the region.

But more importantly to the regional forest agreement process, Environment ACT has contributed flora and fauna data to the comprehensive regional assessment that is a necessary prerequisite before you can get to the RFA. ACT Forests has a regular business relationship with New South Wales forest agencies and businesses; however, we are different from them slightly in that all ACT forest activity is confined to plantation source timber. Right through Ms Tucker's speech, we see assertions that really need to be countered.

The key point in this debate was made by the Chief Minister when she spoke in December. Her very first sentence was that we have absolutely no responsibility or control over this issue. It is not our responsibility. This process is clearly defined. Ms Tucker is always on about getting the process right. This process has been set up and it sees the consideration being between the jurisdiction and the Federal Government to establish the RFAs. The brochure that Ms Tucker got this idea from states:

> What can you do to help? Contact your local council or your local member of parliament and encourage them to support the protection of the south east forest.

I wonder how many of the local councils and the local members of parliament Ms Tucker went back to and consulted. The opportunity is there to consult at the local regional leaders forum. I am not sure that has been done. Maybe she will take up the offer to visit the shire presidents at the end of the week.

Mr Kaine, in his address, got it right. Mr Kaine said:

> I think that it would be the height of arrogance for us to tell the Government of New South Wales how to do their business. I agree with the Chief Minister.

The standout speech in that first round was by Mr Osborne, who displayed wonderful knowledge - quite to the amazement of Ms Tucker - of the environmental issues. At the end of his speech, Mr Osborne said:

> ... but we have no place in writing to other governments on issues like this.

We know that the Labor Party hedged its bets. It has now come back with the St Augustine option, which is: "Yes, we will be pure, but we do not want to be quite pure here and now". It is quite clear from this that we should not be discussing this issue here today. The Government has made it quite clear that we do not support this motion. We said right from the start that we do not believe that we should be supporting this motion.

The southern regional forest agreement is a collaborative process between the New South Wales and Commonwealth governments. There is no doubt about the beauty and value of these areas and the importance and significance to the residents of Canberra who recreate down there and enjoy that beauty. We had the litany from many speakers outlining the nature and the beauty. But what we have no doubt about is whose control and responsibility it is, and it is not appropriate for us to be writing to the New South Wales Government on this matter.

The RFA is designed to achieve ecological and sustainable development in the forest sector, as well as protection for environmental, heritage and cultural values in the forests of southern New South Wales. The RFA process is set out in the national forest policy statement of 1992, to which all governments agree. Who was in control in the ACT in 1992? Would that have been a Labor government? Who was in control federally in 1992? Gosh, would that have been the government for which Mr Stanhope worked? I think it was.

The southern RFA is essentially a matter between the governments of New South Wales and the Commonwealth. The area concerned lies entirely within New South Wales, although there are strong ecological links to the ACT. It is comforting to know that the majority of the native forests in the ACT are reserved for conservation purposes; there is no logging in them. All the timber marketed by ACT Forests is derived from plantation forests. Also, in the vision for 2020 we are committed to ensuring that the amount of plantation forest in Australia is tripled by 2020. So, what do we log? We log forests

belonging to the ACT Government and, where we have arrangements, forests belonging to the New South Wales Government and private owners within the region.

The second point of Ms Tucker's motion states:

> (b) supports the development of a local wood products industry based on plantation forests;

I suggest that Ms Tucker get in contact with the local mill. At great expense, it has put in some very valuable timber-processing equipment – and created more jobs – so that we can use the timber that we produce here more effectively and get a better return on it. That is already happening in the ACT.

The ACT Government supports the 2020 vision to triple the area of plantations in Australia. The ACT will work with its neighbours on environmental and other issues of concern. They ask us and we tell them. We work together on many issues. For instance, there is the willow strategy for the Murrumbidgee. We are now encouraging other jurisdictions along the length and breadth of the Murrumbidgee. The upper Murrumbidgee catchment group is taking on board things that we have said to make sure that we get conditions for the river right.

It is worth saying again that Environment ACT does have a part in this. Ms Tucker says that we do not, but we do have a part in this. Before you come to the RFA, you have to do a comprehensive regional assessment. We have a part in that. We provide data on the flora and fauna, so that that can be accurate and comprehensive. We have a relationship with other New South Wales government agencies and businesses, where appropriate, to make sure that we have input. We will continue to work with state and local governments to contribute to environmental forums, where appropriate.

It is not appropriate for us to pressure New South Wales on an issue like this one. The process is quite clear. Local Labor is disavowing itself of something that local Labor was in control of when it was decided in 1992 and that Federal Labor put in place. As has been said by so many people, it is appropriate that New South Wales deal with this matter.

MS TUCKER (3.45), in reply: I was hoping for something better from the Minister for the environment than contradictory statements. He seemed to be surprised that we would be confused about the Government's position in terms of its understanding of regional issues and the concept of seeing things as a region. The Chief Minister's response was to accuse me of wasting taxpayers' money by even raising the matter in this place. Brendan Smyth has now said, apparently, that it is not appropriate to raise it in this place, although Environment ACT did have a role in it, and that I need to understand that there is a regional focus to it. I am just saying that the focus is very confused.

Mrs Carnell also contradicted herself in her speech. One minute she said, "How dare Ms Tucker raise this matter in this place?". The next minute she said, "Anyway, I talked about it at the regional leaders forum and they said that it is going to cost jobs". What is the position of the ACT Government? Do they feel that they have an opportunity for

input or do they not? Mr Smyth said yes to that. He said, "We have the concept for the region. We acknowledge that the flora and fauna committee sees it as an important concept. We have input from Environment ACT". But we are not allowed to talk about it here Somehow, we are totally out of line in even having a view and requesting the New South Wales Government to look at that view because we happen to be near neighbours and happen to share an environmental and biological region which does not respect lines on a map. The two statements do not fit together at all. Either we have a position of involvement or we do not. Clearly, we do. Brendan Smyth has said that we do, but somehow he is drawing a distinction about the political actions that we can and cannot take.

I have clarified the situation. We are not imposing our view. We are not in some way saying to the New South Wales Government that it has to do something. As if we would say that? We have no power to do that. We are saying to the New South Wales Government that we have a view on the subject, that many people in the ACT community have a strong affection for and connection with the region. For that reason, as Australians, we thought we had a place in the broad discussion. Apparently, that is not so; it does not suit the Government to take that line at the moment, although, as people have said, they chose to talk to France when it suited them.

I need to add a little to what I said initially in terms of what has happened on this matter. At the end of January the New South Wales Government released its proposal for a regional forest agreement for southern New South Wales. That proposal contained five options for the south coast subregion and one option for the Tumut subregion. This motion relates to the options for the south coast subregion.

The reserve proposal put forward by the South East Forest Alliance most closely matches the proposal of the Government, producing 32,000 cubic metres of sawlogs per year, which is the lowest production option of the five options. However, the New South Wales Government has not given any commitment to exclude the woodchipping of non-plantation forests that would not be included in the reserved areas. That is why it is important for the Assembly to support this motion, rather than just supporting a particular option presented by the New South Wales Government in its draft RFA.

On the issue of the RFA, Mr Smyth is obviously a blind supporter of the process. That is not what happened in Queensland. There was a very interesting series of events there whereby there was an agreement made which had the support of unions, conservationists and government, all coming up with something that was more constructive and creative in terms of employment.

I have probably addressed most of the arguments that have been put, so I will move on to making a comment about the critical environmental and economic issues at stake in this discussion. Those matters will have an impact on the ACT. We do see this Government acknowledging that economic issues in the region have an impact on Canberra because it is a regional centre. Therefore, I will talk a little about some of the issues related to the economic argument.

Basically, State Forests' plan is for intensification of logging in the southern region, referring to it as integrated harvesting. That term is used particularly to describe the current practice of harvesting sawlogs and woodchips for exports at the same time, as practised in Eden. If industry plans are adopted, double the amount of timber currently harvested would be extracted from the forests of the south-east region.

The harvesting of native forests is not economically viable because of a number of considerations, most of which have not been properly addressed. Those considerations include the extremely low royalties paid for woodchip and native timber sawlogs, the threat to the quality and quantity of water produced in forested catchments, the threat of competition from overseas plantations, and the value of nature-based tourism in the region.

The issue of economics is obviously related to the issue of jobs. I have heard a few people here talk about jobs in an entirely superficial and unsubstantiated manner. The Chief Minister said that someone had told her at the forum that it will cost jobs. Mr Stefaniak gave anecdotal evidence of something that someone said to him. That is absolutely unacceptable for a debate in a parliament on a very serious issue. I would argue that any careful analysis with sustainable long-term employment as the goal would show that the SEFA option would have much greater employment benefit. The job loss numbers used by industry do not take into account plantation jobs, national parks and wildlife jobs, and tourism jobs.

I will talk briefly on the plantation issue. According to Judy Clarke from the Centre for Research and Environmental Studies, there is currently enough timber on plantations to meet local demand. In a paper entitled "The New South Wales Plantation Industry – A Statewide Overview", she states:

> ... the sawlog supply from NSW softwood plantations (90 per cent of the current estate, the other 10 per cent being hardwood plantations) is projected to more than double by 2000.

Later she stresses:

> ... 12,000 hectares of softwood plantations are past their commercial clear-fell harvest age of 30 years. Preliminary and conservative estimates indicate that three million cubic metres of sawlogs are effectively stockpiled in these mature plantations - locking up an estimated $100m in royalty revenue and hundreds of secure jobs in regional NSW.

Clarke's paper also looks at employment opportunities. In this context she states:

> ... the plantation industry currently accounts for about half of the employment in NSW wood product industry - employing an estimated 6,000 people. Processing plantation wood could generate, over the next five years, an additional 3,000 direct jobs in NSW - many in regional NSW.

In commenting on the strategic approach that should be adopted, Clarke states:

> The basic building blocks are already in place to enable NSW to keep the jobs in the State, rather than exported together with unprocessed plantation logs and chips. The NSW plantation industry already has a strong processing base and infrastructure support on which government and industry can build; the NSW plantation industry has a high manufacturing ethic; and plantation sawlog supply could be doubled within two years.
>
> What's missing is the commercial signals to encourage investors in plantation processing. If the NSW Government want to reap the jobs potential of its plantation investment then it must change its policy direction and resource focus to be compatible with encouraging investment in plantation processing rather than undermining it. Government must consciously decide to cease propping up the declining native forest industry because plantation forest products compete in virtually every market currently supplied by native forest timber. Currently, governments Australia-wide are providing industry welfare to prop up what is the historical equivalent of "the typewriter industry" thereby imposing a direct commercial handicap on computerised word processors.

On the jobs issue - Mr Smyth and Mr Humphries, as Treasurer, might be interested in this - it is quite clear that tourism buoys rural economies more than the timber industry. The ACT Government of today does understand, I think, the impact of jobs in the region on Canberra, so it might be interested in what I am saying. In the Eurobodalla and Shoalhaven shires tourism is worth $500m, fishing, $100m, and oysters, $4m, compared with $3m from the forest industry. The Commonwealth social economic assessments did not comment on threats to industries such as the fishing and oyster industries and nature-based tourism. It is totally unacceptable that we have not seen a proper analysis of the long-term opportunities and threats for the various policy approaches being put forward. I do not find it acceptable for this Government, which is so business oriented, to come up with such superficial and ridiculous arguments on this serious topic for the region.

The discussion about the long-term environmental impacts has also been very light on from the Government today. As Mr Corbell correctly said, the SEFA options for which I have asked for support here fall far short of what a full JANIS would require. Mr Smyth was trying to make some smart political point about Labor having signed on with the national forest policy. *(Extension of time granted)* He made political comments about Labor's position in 1992 on the national forest policy. Mr Smyth might like to know that that was actually agreeing to the full JANIS. Mr Smyth, as Minister for the environment, has not commented on JANIS. Of course not; he is not across the issue or is not interested in it.

The point is, as Mr Corbell said, that if we did apply the full JANIS, we would be seeing very little of the land being used. It would all have to be reserved and conserved because of the importance of the environmental values of the areas. Today, I am asking for

support for a compromise position. I think people need to be well aware of that. It is not what I would like to see; I would like to see a stronger position. The SEFA options are a compromise position and it is so disappointing that this Government is not prepared even to look at them.

I might just make a few comments on what happens to water if you have this sort of logging. Basically, it places at risk our remaining forested catchments and the clear, reliable water they provide. It is so hard to get these arguments up because we have governments like this one which are so obsessed with what we can value. Look at what is happening in Europe right now with the poisoning of the major river system. Those people are finding out what water is worth. Those people are finding that it matters a hell of a lot, even though it does not feature on the account balance. The people opposite have no idea of the value of the wonderful fresh water that we have here and how to maintain it or take a strong enough interest in it. If they had, they would have come here today with proper and substantiated arguments on this important topic.

Basically, when rain falls on an old-growth, multi-aged forest, much of the water is stored in the soils bound by the root systems of the forest. They act as a sponge, gradually releasing water into the creeks and rivers. After logging the soil is compacted by heavy machinery, causing loss of the sponge effect and topsoil erodes, causing poisonous nitrates and phosphates to wash into creeks and rivers. Initially, following harvesting, stream water levels often rise due to increased runoff. It is a fact, however, that regrowth forests use far more water than the multi-aged, old-growth forests that still remain.

Intensification of harvesting will result in much larger tracts of regrowth forests and significantly less water in the streams and rivers that rise in these forests. That will have serious implications for agriculture, fisheries, tourism, businesses and residents downstream. There is no quick fix. Some scientists believe that it will take as long as 120 to 150 years for the water yields to return to levels found prior to integrated harvesting.

Basically, what we are seeing with these options is the concept of value adding. It is not how most of us understand it. The New South Wales option is one that requires large old-growth trees and could well see the destruction of all remaining old growth in state forests. Old-growth forest is essential habitat for fauna, as regrowth forest does not contain the tree hollows that are present in the old growth. Old-growth forests also provide food resources, such as fungi and nectar, in far greater quantities than regrowth forests.

As I said, it does concern me greatly that we are not seeing a greater understanding by this Assembly of the importance of the ACT having a view on this matter. This Government is obsessed with trying to win political points. Whenever I or other members of this place offer Mrs Carnell and the gentlemen on the other side of the house an opportunity to have a rational debate, supported by information, they do not come out with substantiated arguments and information, even though they have lots of people to support them, or any serious analysis of the economic implications of the

discussion that we are having. Even if this Government is not that interested in the broader ecological issues for our country, it should be interested in the economic implications for the ACT.

Question put:

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

A call of the Assembly having commenced -

Mr Humphries: Mr Speaker, we wish to withdraw our opposition to the amendment, so there is no requirement for a division.

MR SPEAKER: Is leave granted to withdraw? There being no objection, leave is granted.

Amendment agreed to.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 7	*NOES, 8*
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Osborne	Mr Humphries
Mr Quinlan	Mr Kaine
Mr Stanhope	Mr Moore
Ms Tucker	Mr Rugendyke
Mr Wood	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

ROAD TRANSPORT LEGISLATION AMENDMENT BILL (NO 2) 1999

Debate resumed from 8 December 1999, on motion by **Mr Rugendyke**:

That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (4.06): Mr Speaker, this Bill seeks to put into the legislation that starts on 1 March the amendments that Mr Rugendyke made to the old legislation last year. The new road rules will not come into place until 1 March because of the delay in their consideration by the Assembly, so we have to reinsert these provisions in the new Bill. The situation is as before. The Government has a small

amendment to the Bill which removes the power of ACT police to impound things interstate, which obviously we cannot do. We have arrangements in place to do that through the other jurisdictions. With that, the Government will be supporting the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 and 2, by leave, taken together, and agreed to.

Clauses 3 and 4, by leave, taken together

MR HARGREAVES (4.08): The Opposition will be opposing these two clauses. I think the one argument will suffice for both. Essentially, the automatic disqualification of certain drivers goes to mandatory sentencing, and that is the part with which the Opposition has the greatest difficulty. The courts ought to be available to determine whether an offence has been committed and, if it has, what the appropriate penalty should be. This provision is, in our view, an interference by the legislature in the role of the judiciary and is, in fact, contrary to the separation of powers.

Mr Speaker, in opposing mandatory sentencing, I would just like to make the point that it is rather typical of the commitment to zero tolerance of this Government that it is supporting this provision. I believe that it has been reasonably proven that the employment of zero tolerance in New York was singularly unsuccessful. I was reading only recently an article about the number of people going to gaol in America. In fact, it appears that America will be celebrating fairly shortly having two million people in gaol. I do not think it is necessary that that be the case. Certainly, it is a sad reflection on society; but we know that that is a direct result of zero tolerance and the laws that go to bringing zero tolerance into effect.

In New York, you can get pinched for a relatively minor motor vehicle offence and have your car taken from you and sold. That is where we are heading. I would like to apply the brakes to that process. We do not have to go down that path. We do not have to go that far. We have quite sufficient penalties on the statute book at the moment for judges to take their pick from when it comes to what people have done when they have broken the law. It will cost you a couple of thousand dollars if you are caught driving in a manner dangerous or committing offences which have similar wording. The whole intent of this sort of legislation is to stop people doing burnouts in the street and being a danger to the people there.

Mr Berry: It has not worked. They are still doing it.

MR HARGREAVES: Let me say that those on this side of the house are quite in agreement with Mr Rugendyke in wanting to stamp out this practice, but having penalties there is only as good as the enforcement procedures you have to bring them off. I have noticed in the newspapers that much has been made of a few people having lost their cars because they have been pinched. I would have thought that the sorts of

people who lost their cars, if I have read the stories correctly, would have been put off the road for quite a considerable period anyway by the imposition of fines of a couple of thousand dollars on top of that. They would not have had the money to come up with for a $2,000 fine, I am pretty sure of that.

Mr Speaker, we do not want to see a person's property being removed and then sold. I do not think that that is a case of the punishment matching the crime. You can get into a nasty accident because you have been driving recklessly and cause an untold amount of damage and, generally speaking, suffer a lesser penalty than we are talking about today. We would like to see some action taken to stop burnouts. I have had quite a number of people ring my office recently and say, "I live in a place where there have been young kids doing burnouts and we have rung the police and asked them to come and stop these people and the police have said that it is not a serious enough offence for them to take the time to come out", so we have a law that cannot be enforced.

A person's vehicle can be impounded on suspicion that they have taken part in burnouts. I have some problems with that, too. It is a case of where the onus of proof lies. If the police impound a person's vehicle because they suspect that the person has done burnouts, the police will then charge the person whose vehicle has been impounded. If that person wants to make something of it, they have to go to court and try to get the charge overturned, but you cannot get into a court in a week; you just cannot do it. If, in fact, the matter does go to court and the magistrate says that there were mitigating circumstances and the car should not have been impounded, any amount of time can elapse before that person gets it back. A person could have had their vehicle removed from them for a month without it being necessary to do so.

Mr Speaker, I do not think that impounding these cars is going to be effective. By all means, stiffen up the financial penalties and stiffen up the number of points that they are going to lose or suspend their licence, but do not take away their property. It is, in my view, an infringement of their civil rights and liberties to do so. Indeed, the scrutiny of Bills committee made that point. That part of the process is actually infringing people's rights and liberties. I foreshadow that we will be trying to amend this Bill later to remove certain parts relating to burnouts. I shall say no more on that.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.15): I just have to respond to a small interjection from Mr Berry during those comments by Mr Hargreaves, pointing out that the legislation clearly has not worked because there are still people doing burnouts on the streets of Canberra. Members will be aware that we have had a number of seizures and impounding of vehicles under the legislation.

Mr Berry: How many?

MR HUMPHRIES: There have been four such seizures. Those seizures are part of the process of getting the message to people who, for the most part, probably do not read the *Canberra Times*, watch WIN television or listen to ABC radio or whatever and who may not be aware that there are new laws making it very much tougher on people who choose to use the public streets and byways of this city as test tracks for burnouts. Mr Speaker, I think that the law is being applied effectively in these cases, that the

message is getting out there and that we will see a number of people reconsidering their behaviour because we have passed these very appropriate laws to deal with these sorts of crimes on the streets of Canberra.

To say that, because you have passed a law prohibiting something and people still do it, proves that the law is not working is an argument that we would have logically to apply to repeal laws on things such as murder, arson and armed robbery because, having made those crimes illegal, people are still committing them. I do not think that Mr Berry is actually suggesting that seriously. Perhaps he just did not think through what he was saying. That would not surprise me somehow.

Mr Berry knows that lots of people in residential areas of our city have been extremely concerned about the number of burnouts taking place on residential streets. They are the ones who have lobbied members of this place, including some of Mr Berry's colleagues and probably Mr Berry himself, urging us to do something about this problem. We have done something about the problem. We have dealt with the issue and we will see whether it is effective in curtailing the number of such burnouts on the streets of Canberra. I suspect that it will be.

MR STEFANIAK (Minister for Education) (4.17): Mr Speaker, in Mr Smyth's absence, I would like to indicate that the Government will not be accepting Mr Hargreaves' argument. Basically, he is trying to do the same as he did unsuccessfully in December, that is, take out of the legislation the extra penalty for an aggravated burnout, which involves putting oil on the road, and remove all the impounding provisions. Mr Humphries mentioned, as an aside, how the laws are effective and the message is getting through. I note that four vehicles have been impounded, two on the north side of Canberra.

I was pleased to read a newspaper article - I am not sure which newspaper it was in - dealing with the success of the legislation so far in terms of the incidence of burnouts in the Civic area and on the north side having been considerable reduced. It is quite clear that the message is getting across to potential offenders that they risk the impounding of their cars. I congratulate Mr Rugendyke on introducing what appears to be a very effective law that seems to be working very quickly indeed. I would think that, as a result of the message getting through, we will see fewer and fewer instances of very dangerous driving which has the potential to do just what Mr Berry mentioned, that is, cause loss of life or limb to people who happen to be in the vicinity.

MR BERRY (4.18): Mr Speaker, some members were rude enough to presume that I had said certain things in relation to this matter. Let me put the record straight. I have always said that this law is appalling and will affect mostly the poor and the young.

Mr Humphries: Ha, ha!

MR BERRY: What are you laughing at? It does affect the poor and the young. The Government bases the success of its legislation on the number of cars it has grabbed hold of. Yahoo, what a great success that is! The fact of the matter is that you base the success of the law on the observance of the law. Mr Humphries said - I am glad that he

dobbed himself in - that the people who do these sorts of things will think again about doing them. My word they will think again, and they will do it in a way that they will not get caught.

I can only offer anecdotal evidence. I happen to live in a place where I reckon I can hear just about every burnout in the district and I am still hearing them, and plenty of them, because young people and others who are inventive on these matters are finding ways and means of conducting their burnouts where they will not get caught. I would say to you that all you have done is created an oppressive law which does not work. The confiscation of cars is absolutely appalling. To suggest that that will solve the problem just demonstrates how ignorant you are of the behaviour of young people who might wish to do these sorts of things. I have always said that this law is appalling. It is oppressive, even to people who complain about burnouts.

I am one who gets aggravated by burnouts, but I have to say on the record here that I will not be reporting anybody who would have their car taken off them. That would be an absolutely outrageous thing to do because I do not believe in this law. This law is outrageous. To confiscate people's property for what is a minor noise offence and being sullen, I suspect, when crimes of far greater magnitude are punished with lesser penalties demonstrates the frailty of this law. Burnouts are of annoyance; there is no doubt about that. Burnouts are damned annoying and a public nuisance. It drives you mad if one happens out the front of your house at 4 o'clock in the morning. But to suggest that the car of a silly young person should be locked away as a result of a burnout is equally as stupid. I have to say that it is not going to improve relations between young people and the police. I fear that it will make them much worse and they will be highly suspicious of police motives, particularly where a car is confiscated on the grounds of suspicion. That is an appalling arrangement.

Mr Speaker, I have always said that the police had the opportunity to pinch motorists for various offences if they were caught carrying out this sort of activity. I think that there are environmental laws that could be brought into play. There are good arguments why this sort of noise and discharge of products would offend environmental principles. I know that the Motor Traffic Act makes it an offence for products which might be used to assist in burnouts to be thrown on the roads. I just think that the Government's knee-jerk reaction to this matter is appalling. It has been a quite predictable one, I would have to say, from this right-wing Government. It is a typical right-wing move to impose these sorts of penalties.

I do not resile from that for one minute, Mr Rugendyke. I find this law totally offensive. I hope that you are not offended by my strong language on it, but the law is uncalled for. Somebody will say that it is done in New South Wales, which does not do everything right, either.

Mr Rugendyke: Except that it is Labor government legislation.

MR BERRY: They do not do everything right, either.

Mr Rugendyke: They do this.

MR BERRY: They are wrong. This is not the way to deal with the matter. The police can address this issue in the normal way, I am sure, if these people are committing an offence. If they are not driving dangerously, what do you pinch them for? If they are not doing anything dangerous, what do you pinch them for? Is it dangerous? The difficulty is in proving that it is dangerous. It is certainly a matter which offends environmental principles. It is certainly an offence which creates noise and disruption in communities. The police should have been armed to deal with it for those reasons. But taking away vehicles in this way is just an overreaction.

I have said before that young people will always work out a way to get around these things. Those who have the intent will do it anyway, and they are still doing it. They are laughing at you and they are laughing at the police while they are doing it. Now and then you will pick up a car and say, "We pinched that person's car. That is justification for saying that the law is working". I am telling you that the law is not working, because people who want to avoid it can easily avoid it. In doing so, they make you look like fools and they create difficulties in relations between young people and police in particular. I just think that it is an offensive move. It is a bit like the move-on powers.

Clauses agreed to.

Clause 5 agreed to.

Clause 6

MR HARGREAVES (4.25): Mr Speaker, I move:

> Page 4, line 8, proposed new subsections 5B (1) and (2), omit the subsections, substitute the following subsections:
>
> " '(1) In this section—
>
> ***burnout*** means—
>
> (a) in relation to a motor vehicle other than a motorbike—operate the vehicle in a way that causes the vehicle to undergo sustained loss of traction by 1 or more of the driving wheels; or
>
> (b) in relation to a motorbike—operate the motorbike in a way that causes the motorbike to undergo sustained loss of traction by the driving wheel.
>
> ***other prohibited conduct*** means conduct that—
>
> (a) is associated with the operation of a motor vehicle for speed competitions or other activities prescribed under the regulations; and
>
> (b) is prescribed under the regulations for subsection (4).

> '(2) The driver of a motor vehicle must not burnout the vehicle on a road or road related area.
>
> Maximum penalty: 20 penalty units.".

This part of the Bill is about definitions. It talks about what is a burnout. I think we are all agreed that the definition of "burnout" is okay. It talks about other prohibited conduct. I think we are agreed on that. What we on this side of the house are not agreed on with the legislation is the reference to prohibited substances. Mr Speaker, we are talking about inflicting a greater penalty on someone who does a burnout on an oil slick put underneath their wheels or who has gone and found an oil slick and done one on it. That is just ludicrous in the extreme, Mr Speaker. Let us look at the penalties prescribed in this part. If a prohibited substance has been placed on the surface of the road or road related area under, or near, a tyre of the vehicle the penalty is 30 units.

Mr Speaker, I know that you would not do so, but that means that you could be sitting in your vehicle ready to do a burnout and Mr Hird, because he is like that, could run out and put some prohibited substance near your wheels so that there would be more smoke. You would be the one who copped it on this one, not Mr Hird, and the penalty would be 50 per cent greater. What a joke! If you are doing a burnout and you get pinged, you have to pay $2,000 or thereabouts. It is $3,000 if somebody else sticks some oil or something like that under your wheel. Mr Speaker, we seek to remove the reference to a prohibited substance.

I will go over it again for Mr Rugendyke's benefit. I think there is a difficulty here which might not have been apparent at the time of drafting. Proposed section 5B(2)(a) on page 4 of the Bill provides that a prohibited substance is a little bit of oil or something else which reduces the traction of the tyres, causing them to spin and make more smoke. If a prohibited substance - let us say that it is an oil slick, just for the fun of it - is placed on the surface of the road, the driver can be penalised. It does not say that it has to be placed there by the driver. It does not say by whom it has to be placed there.

Mr Speaker, there have been times in my life when I have come up to a set of traffic lights at which cars with leaky sumps have dropped oil on the road and, not speeding or burning off, I have actually spun the wheels of my car. You have done it, Mr Speaker; we have all done it. The intention of this legislation is to deal with situations where that is done deliberately, but it does not say that. Mr Rugendyke was keen to hear an explanation and I notice that I am speaking to his back. We all support the idea of stopping people doing these things deliberately, but the way that this legislation is written means that you can get pinged if you accidentally do it.

This piece of legislation does not penalise the person who places the substance there for burnouts to occur. If four or five people deliberately do burnouts in Lonsdale Street, for example, I am saying that we should let the full weight of the law, as agreed at the end of the day, apply to them. But should it not apply also to the person who actually prepares that surface for such burnouts? If, as I have said, five people go down to Lonsdale Street - or Alinga Street or Mort Street - to have a go, wouldn't you see it as reasonable for perhaps six people to be dealt with under the law, one of them being the

person who organised it by actually putting the stuff on the road for these people to do the burnouts? If we really want to cut it out, we have to address the issue of the deliberate nature of this offence. If that is too much for people to fathom, I am sorry about that.

Mr Speaker, I will reiterate the other half of it for the benefit of Mr Rugendyke, the originator of this Bill, and Mr Smyth, who is having the usual conversation with poor old Mr Rugendyke to distract him from listening to some logic.

Mr Rugendyke: I am listening.

MR HARGREAVES: Do you seriously believe that the placing of an oil slick underneath the wheels of a vehicle should attract a 50 per cent greater penalty?

Mr Humphries: Yes.

MR HARGREAVES: Mr Humphries says yes. I must admit, Mr Speaker, that I would not have guessed that in a month of Sundays, but for Mr Berry's comment earlier that that is the sort of thing that you would expect from this right-wing conservative Government. I take his point and I think he is right. I am just surprised to see the extra penalty being as low as 50 per cent. Perhaps it would have been better to have doubled it.

Mr Humphries: That is not a bad idea.

MR HARGREAVES: "That is not a bad idea", says the right-wing conservative Attorney-General across the chamber; wonderful stuff.

Mr Humphries: We will suspend them by their thumbs while we are at it.

MR HARGREAVES: Let the *Hansard* record show Mr Humphries' suggestion that we suspend them by their thumbs. From what, I would ask? Perhaps from the aerial of the car, along with the foxtail. We are seeing this rather serious issue being dealt with somewhat lightly by our esteemed Attorney-General. I must say that I am surprised and disappointed - in fact, I am mortified - to hear of such an approach.

I appeal to Mr Rugendyke to think about those two issues: Firstly, the person who has deliberately placed the material there to enable a burnout to happen is not penalised by what we have here. Arrange it, by all means, and we will support it. But we do not support the nicking of the car. We do support the applying of a significant financial penalty. Let us see something like that in there. The other thing is the penalty of 50 per cent extra for actually doing it in the first place. When you consider it, that is a penalty for being an accessory before the fact, but you are not penalising anyone else for being an accessory before the fact.

Also, if a person puts a prohibited substance under their vehicle, a penalty of an extra 50 per cent - $1,000 or more - is a bit over the top. If, for example, you had increased the penalty by 5 units or something like that, the point would have been taken; but we do not agree with this penalty. Mr Speaker, the intention of this amendment is to remove

the reference to prohibited substances from there. Of course, the definition of "prohibited substance" and proposed new subsection (2)(a) are related, so we seek to remove them both.

I seek Mr Rugendyke's support for this amendment and offer him the opportunity to come back and amend this piece of legislation, if it gets up, to address both how we stop active participation in burnouts and the deliberate act of doing burnouts and the appropriate level of penalty for doing burnouts. It has not been acknowledged by either this Government or Mr Rugendyke that we do support the intention behind what is being proposed. It is just a matter of how we are going about it. We think it is a bit draconian and we think that you have missed a good point.

MR RUGENDYKE (4.34): Mr Speaker, I must respond to Mr Hargreaves' soliloquy. One of the recommendations of the committee that looked at this Bill in the first place was that the use of any substance, liquid or lubricant in conjunction with prohibited conduct should attract an increased penalty. There was no dissenting report from anyone on the committee that looked at this matter. The committee also considered that the act of doing a burnout, particularly in a public place such as Lonsdale Street, constituted a potentially serious risk of injury to the public, especially where substances were deliberately dropped onto the road to facilitate the burnout.

It is somewhat of a furphy for Mr Hargreaves to bleat about a $1,000 penalty on top of the 20 penalty points that he is proposing for an ordinary burnout. In fact, the traffic infringements applying to burnouts have set penalties of $355 for a traffic infringement notice and $456 for what is called an aggravated burnout, being pouring a substance on the road to facilitate the burnout. It could be petrol, oil, marbles or gravel, all substances which could cause injury or damage to either spectators or the road surface.

We are aware that people set up their cars for doing burnouts with little devices that pour substances such as oil, brake fluid or petrol directly onto the wheels just by the flick of a little switch. Mr Hargreaves might think that that is fairly safe, but I certainly do not. Mr Speaker, I do not support Mr Hargreaves' attempt to dismantle completely the intent of this legislation. It is, after all, based on legislation introduced by the New South Wales Labor Government. The New South Wales Labor Government saw fit to do something about this problem and I agree with it. Therefore, I will not be supporting Mr Hargreaves' amendment.

Amendment negatived.

Clause agreed to.

Clause 7

MR SMYTH (Minister for Urban Services) (4.38): Mr Speaker, I move:

> Page 6, line 17, proposed new subsection 10A (7), omit the words "(whether or not within the ACT)".

I present an explanatory memorandum.

MR RUGENDYKE (4.39): Mr Speaker, I agree with this technical amendment; it does make sense. ACT police are unable to pursue a vehicle across the border, so it makes sense to add this amendment.

MR HARGREAVES (4.40): Essentially, what has happened here, if I am reading it correctly, is that there has been a flaw in the original legislation, which has been identified by the Government and fixed up. I think it is great that the Government has decided that it has not got any jurisdiction across the border and, therefore, is just fixing it up. It is a bit of a shame, however, that Mr Rugendyke did not take up the offer that we made just a minute ago to clean up another part of the legislation in exactly the same way.

Mr Rugendyke got up and said that these vehicles have a part which can be used to shoot stuff onto the tyres and make them burn. I have no problem with the view that he put on that; I support it. But with this legislation he still has not got the people who are setting up these burnouts. The thing is that those people are just as guilty as the people driving the vehicles. I made an offer in good spirit and Mr Rugendyke just got up and bagged it. I find that absolutely reprehensible and quite unnecessary. We will be supporting Mr Smyth's amendment, Mr Speaker.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 8

MR HARGREAVES (4.42): The Opposition will be opposing this clause.

Clause agreed to.

Title

MR RUGENDYKE (4.43): I thank members for persevering with this process, having to debate this Bill twice. It was important that the legislation be put through as part of the national transport package. Four vehicles have been impounded by police at this stage. The police have been particularly prudent and have been sure that confiscation of the four vehicles was necessary. As well, quite a number of traffic infringement notices have been given out. The police have been cautious, have been careful and have been very responsible in the way that they have handled this legislation so far. I thank members for their support.

Title agreed to.

Bill, as amended, agreed to.

AGENTS (AMENDMENT) BILL 1998

Debate resumed from 1 September 1999.

Detail Stage

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

That the debate be adjourned.

MR SPEAKER: The question is that the debate be adjourned**.** Those of that opinion say aye.

Mr Humphries: Aye.

Mr Berry: No. I would like to know - - -

Mr Humphries: Well, you were not here, Mr Berry, to do it, were you?

Mr Berry: Well, no.

MR SPEAKER: Just a moment, please.

Mr Humphries: There is no debate on an adjournment motion anyway.

Mr Berry: I was just going to move these amendments.

Mr Humphries: Well, sorry, I - - -

Mr Berry: You are not going to let me move the amendments?

Mr Humphries: Well, you were not here. I indicated that we did not want to have a debate because we were not ready to discuss the amendments.

Mr Berry: Okay. No is the answer.

MR SPEAKER: All right.

Mr Berry: The noes have it.

The bells being rung -

Mr Humphries: You want to introduce your amendments?

Mr Berry: Yes.

Mr Humphries: You want to speak to the amendments?

Mr Berry: Yes.

Mr Humphries: Okay. Mr Speaker, we withdraw our call for a vote on this motion.

MR SPEAKER: Is leave granted? There being no objection, leave is granted.

Bill, by leave, taken as a whole.

MR BERRY (4.47): I seek leave to move together the amendments which have been circulated in my name.

Leave granted.

MR BERRY: I move:

Amendments

Clause 4, page 2, line 13, paragraph (d), omit the paragraph, substitute the following paragraph:
"**(d)** by inserting in subsection (1), the following definitions:
'**employment agent** means a person who, under section 5DA, carries on business as an employment agent.
model includes a person employed—
(a) to pose for a photographer, or for a painter, sculptor or other artist; or
(b) to wear and display clothes and other articles to potential customers or the public.
performer means an actor, singer, dancer, musician, acrobat, disc jockey or compere, or any other performer of any kind.'.".

Proposed new clause –

The following new clause be inserted in the Bill: Page 3, line 14:
"**8A Insertion**
After section 17, insert the following section:
'17A **Annual reports of board**
The report of the board under the *Annual Reports (Government Agencies) Act 1995* for a financial year must include—
(a) the number, and an outline of the nature and outcome, of the complaints made to the board during the financial year; and
(b) the name of anyone who was subject to an inquiry completed by the board during the financial year and an outline of the nature and outcome of the inquiry; and
(c) the number of agents given a licence or registered during the financial year; and
(d) an outline of the educational activities undertaken by the board during the financial year to tell consumers about their rights under this Act; and
(e) a list of the names of all employment agents licensed under this Act at any time during the financial year.'.".

Amendments –

Clause 9, page 3, line 21, proposed new subsection (5), penalty provision, omit the penalty provision, substitute the following penalty provision:
"Maximum penalty: 20 penalty units.'.".

Clause 10, page 3, line 28, proposed new subsection (5), penalty provision, omit the penalty provision, substitute the following penalty provision:
"Maximum penalty: 20 penalty units.'.".

Clause 11, page 4, line 3, proposed new section 19B, penalty provision, omit the penalty provision, substitute the following provisions:
"Maximum penalty: 20 penalty units.
'(2) This section does not apply in relation to a model or performer'.".

Clause 12, page 4 -
Line 15, proposed new paragraph 47CA (b), omit the paragraph.
Line 31, proposed new paragraph 47CB (c), omit the paragraph.

Clause 13, page 5, line 4, omit the clause.
Clause 14, page 5, line 8, omit the clause.
Clause 16, page 6, line 10, paragraph (a), omit the paragraph, substitute the following paragraph:
"**(a)** by inserting in subsection (2) "(other than a licence issued to an employment agent)", after "company" (first occurring); and".

Clause 17, page 6, line 14, omit the clause.
Clause 26, page 7, line 21, omit the clause.

Proposed new clause –

The following new clause be inserted in the Bill: Page 7, line 24:

"**26A Insertion**

After Part 8, insert the following Part:
'**PART 8A—CODE OF PRACTICE FOR EMPLOYMENT AGENTS**
'75A **Approval of code of practice**
'(1) The Minister may approve a code of practice for employment agents.
'(2) An approval under this section is a disallowable instrument for the *Subordinate Laws Act 1989*.
'75B **Complying with approved code of practice**
An employment agent must comply with a code of practice approved under section 75A.'.".

Amendments –

Clause 27, page 7, line 25, omit the clause, substitute the following clause:
"**27 Suspension of travel agent's licence**
Section 82 is amended—
(a) by omitting the heading and substituting the following heading:

‘82 **Suspension of travel or employment agent’s licence**’;

and

(b) by inserting ‘or employment agent’s’ after ‘travel agent’s’.”.

Clause 30, page 8 -
Line 12, proposed new subsection 105B (1), penalty provision, omit the penalty provision, substitute the following penalty provision:
“Maximum penalty**:** 10 penalty units.”.
Line 24, proposed new subsection 105B (2), omit all the words after “conviction”, substitute “by a maximum fine of 10 penalty units”.

Mr Speaker, these amendments incorporate the amendments circulated some time ago. The amendments address a range of issues, some of which are contained in Report No. 6 of the Standing Committee on Justice and Community Safety dated 6 December 1999. The amendments which were circulated at an earlier time arose from an earlier report of the Justice and Community Safety Committee in its role as the scrutiny of Bills committee. I will take members through those amendments in due course.

First of all, Mr Speaker, I would like to refer to the report of the Standing Committee on Justice and Community Safety and its recommendations. I will also refer to the debate in the Assembly when this matter was last raised last year. The Bill was introduced on 24 June 1998 and members will recall that the Government, in particular Mr Humphries, complained at one point in the debate that there had not been adequate consultation in relation to this matter. I think it is fair to say that that argument had no weight then and it has no weight now. The Government had always resisted moves to introduce this sensible legislation. It is legislation designed to protect unemployed people and job seekers and to regulate employment agents in the ACT because they were not regulated before.

The committee’s first recommendation was that the ACT Government seriously consider undertaking a strategic review of the ACT consumer protection mechanisms in the ACT, including a comprehensive analysis of resourcing, coverage and reporting issues. Its second recommendation goes to the legislation which I introduced. The committee recommended that the relevant legislation be amended to require the annual report of the Agents Board to include information on the number and nature of complaints; whether and of whom investigations were undertaken and the resultant actions; the number of agents registered during the year; and the nature of educational activities undertaken by the board to inform consumers of their rights in the ACT.

The committee recommends that the annual report of the Agents Board include a list of licensed employment agents. It also recommended that the Bill be amended to include provision for the development of a specific employment agents code of conduct. Other recommendations were that the Bill be amended to exempt theatrical and modelling agents from the prohibition on fees and charges; that licence fees for employment agents be set at a rate in parity with New South Wales - that is, approximately $200, including $100 application fee and $100 annual fee; and that the ACT Government set aside funds in the 2000-2001 budget to cover the residual cost of regulating ACT employment agents.

Mr Speaker, the Government argued in the past that these fees could be as high as $1,000, but I think the committee has addressed that quite properly. It would be a nonsense to charge such high fees as the Government chose. I think they were chosen because they were figures over which most employment agents or prospective employment agents might raise concerns, and they had a right to raise concerns because there is quite a difference between what might apply in the ACT and what applies interstate. Mr Speaker, all of those recommendations have been dealt with in the amendments to the Act which I moved a year-and-a-half ago.

Mr Speaker, the first amendment, to clause 4, sets out definitions for employment agents, a model and a performer. This is to include the recommendation of the committee in relation to those matters and so that they would be excluded from the effect of the legislation in line with that which applies in New South Wales.

The recommendation of the committee in relation to annual reports of the board has been satisfied in proposed new clause 8A, which outlines the additional annual report matters which the committee has recommended. The penalty units have been changed throughout the legislation to reflect more modern drafting practice. I am informed that there is now no need to include different penalty regimes for corporations because the Interpretation Act in some way deals with these and they are no longer necessary in the legislation. I accept that advice.

Those other amendments which were circulated much earlier are also included in the legislation to ensure that it is workable, and they make less onerous the application obligations of those who wish to be employment agents. There was a complaint that re-registration would be a difficulty for some organisations. I think these amendments have made it less onerous and merely depend on the ability of one to prove that one is 18 years of age, in the case of a person, and is a fit and proper person to conduct this sort of business. These amendments satisfy all the recommendations which have been made by the various committees in relation to this legislation.

Mr Speaker, the Government advised me today that they do not wish to deal with this matter today. They want us to observe the practice whereby the Government have three months to respond to committee reports. Well, there is one difference with this Bill. It is not a government Bill, it is a private members Bill. I do accept that the Executive, being the body that will have the responsibility of implementing the legislation, needs to look at the report of the committee. Bear in mind that the committee made its report on 7 December, and there is nothing in the report which would require much consideration. Indeed, the Government have already had something like two months and one week to look at this matter. If they had something to say about the recommendations of the committee, then I am sure it would be easy for them to deal with it.

Does the Government agree, for example, with the proposition that there should be different reporting arrangements? Does the Government agree that the annual report of agents should include a list of employment agents? Does the Government agree with the development of a specific employment agents code of conduct? Does the Government agree that the Bill be amended to exempt theatrical and modelling agents? Does the

Government agree with the recommendations of the committee in relation to the application and annual fees? Mr Speaker, that is all the Government has to deal with. It is not a difficult situation.

Now, I want to get to the real reasons. The Government opposes this legislation principally because it is legislation that I introduced. It is no more than that. This is just a silly political move by the Attorney - General to try to delay, again, a sensible piece of legislation which properly regulates employment agents in the ACT and provides a safety net for people who might be vulnerable when an employment agent is thinking about exploiting a young job seeker. Mr Speaker, that is what this legislation sets out to do.

This is not something that employment agents have complained about, Mr Speaker. In fact, on a scale of one to 10 in terms of satisfaction, I would rate it at probably about 9½ because I received one complaint over a year ago, and I think I satisfied the complaint of that person.

Mr Humphries would argue that it is unnecessary. Well, I would say that this is necessary. It is considered necessary in Queensland, New South Wales and Victoria. It is regulated right around the ACT. For my part, if it prevents the exploitation of one job seeker, then I think it is necessary. We have an obligation as an Assembly to provide safety nets to ensure that these sorts of things do not occur. I seek to do in this place what has been done in legislatures in other parts and places in the country. This is not new legislation.

I have said on a number of occasions that the Government relies on practice in New South Wales when it is a bit of bad medicine for the people of the ACT. They will say, "Well, this happens in New South Wales; we should do it here", if they want to increase taxes and so on and so forth. This is good medicine and it is good for ACT residents. It does happen in New South Wales and I can see no reason why it should not occur here. If there is any weight in the argument that this is bad for territory citizens, I would like to hear it. It is not bad for them.

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

MR BERRY: Mr Speaker, I think the Government's move to try to delay debate on this Bill is merely another reflection of their opposition to the legislation generally rather than a genuine need for time to consider the matter further. There is no need to consider this matter further.

I will put the lie to the argument that we always give the Government three months. The Appropriation Bill 1999-2000 did not get three months. The report on the Emergency Management Bill came back on 16 November and we considered it on 7 December. The Long Service Leave Bill was reported on on 7 December and was decided on 8 December. The report on the Motor Traffic (Amendment) Bill (No. 4) - I think that was Mr Rugendyke's Bill - came back on 25 November and was decided on

8 December. The Water Resources Bill was reported on on 29 October and was resolved on 26 November in this place. So, Mr Speaker, these things are decided on an issue by issue basis.

If the Assembly decides to delay this until the next sitting, I can live with that, but I cannot see the reason for it. The Government has had plenty of time to make up its mind about this Bill. In fact, Mr Speaker, the Government has already made up its mind about this Bill. It opposes it. It will always oppose it. When we come back next time it will oppose it again. So there is no sense in the argument it puts. If it had put an argument which had some substance in relation to the need to defer this Bill, then I would be more sympathetic, but the Government has made it clear from the outset that it will oppose this Bill. It will not move. If it is adjourned, when it comes back next time the Government will oppose it again. I think we need to expose the phoney claims of the Government that it needs more time to consider the matter.

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

LIQUOR AMENDMENT BILL (NO 2) 1999

Debate resumed from 8 December 1999, on motion by **Mr Quinlan**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.03): Mr Speaker, Mr Quinlan's Bill provides for the regulation of machines in licensed premises to ensure that, when a person undertakes a breath test from one of these machines and as a result there is a reading which that person later relies upon to get behind the wheel of a car and to drive their car, that test should not be used in evidence in any civil or criminal proceedings in a court. The protection being afforded by this Bill is protection both to licensees and to the manufacturers or vendors of these sorts of machines.

The Bill gives rise to the very interesting issue of what kind of reliance members of the public ought to place on these sorts of machines being available in ACT clubs, bars or taverns, or wherever they might be. They may possibly be in restaurants as well. It would not be difficult to postulate a variety of situations that would be given rise to by the fact that these machines were available and were useable by people who wished to test their blood alcohol content.

One can certainly imagine that people, having had a couple of drinks, would use the machines to get some idea of whether they were close to the limit or whether, if they got behind the wheel of their car and attempted to drive, they were likely to be in excess of the limit. Where a person allows a reasonable period after their last drink before undertaking the test, and assuming that the machine is properly calibrated and is accurate, the machine will impart an accurate impression to that person of their state of sobriety and their likelihood of being able to get behind the wheel of their car without breaking the law.

Similarly, Mr Speaker, one can also imagine a situation where there would be some abuse of the machines to obtain a misleading impression of a person's state of sobriety. There are dangers and weaknesses in the arrangements presented. For example, a person who used the breath testing equipment half an hour after having had their fourth or fifth drink in quick succession might be misled into thinking that they were, in fact, under the 0.05 limit and able to drive their car. Such people are very likely to find by the time they get half-way down the highway towards their home that they are, in fact, over the limit and potentially are a danger to other people and to themselves.

There are also concerns about the situation where the machines may not be properly calibrated, or are subject to fairly heavy duty use in the particular premises or are not an accurate measure of what is in the person's blood. So, Mr Speaker, in those circumstances the use that people will make of those machines represents a fairly significant decision. Undoubtedly there will be cases where the information will be used appropriately and fairly, and other situations where it will be used other than appropriately and fairly.

On balance, the Government has taken the view that the legislation is designed to encourage people to be able to test their level of sobriety. It may discourage a number of people who take the test and who are clearly over the limit according to the machines from getting behind the wheel of their car. In those circumstances there may be value in having a piece of legislation on the statute books that encourages people to measure and to take a sounding of their level of sobriety.

Having indicated the Government's support for the legislation, we have to indicate also that this will need to be monitored very carefully. Almost certainly cases will come forward where a person will say, "I took the test. I passed the test. I got behind the wheel of my car. I was picked up by police. I was measured as being over 0.05 and I'm now suffering a serious consequence because the machine was inaccurate", or whatever. At least, such claims will be made.

Obviously it is very difficult to be certain about the quality of the machines at any given point in time, except perhaps immediately after they have been installed and calibrated. These sorts of claims from people who may have been picked up for drink driving may have some foundation. On balance though, the Government's view is that it is better that people be able to take these tests and try to pace their level of consumption if there is adequate warning available to them about the way in which they conduct the test, and if there is a chance to assess the kind of impact this legislation will have on the drinking habits of people in these circumstances.

Mr Speaker, the Government has commissioned a couple of amendments to the legislation. Most of the amendments are not available as yet and I will be asking the Assembly to put over the detail stage of this Bill until they are ready. One of the amendments simply provides that there be a sunset clause of two years in this legislation. I am aware that legislation of this kind has been enacted in three other jurisdictions in Australia, under considerable pressure from the manufacturers of these devices. I want to be clear that we can see after a couple of years of operation of this

equipment that it is giving overall accurate information to people who are using it, and that those who operate the machines are confident that they are providing an accurate picture to people who are using them.

There is evidence of surveys being done in other jurisdictions on this sort of legislation which suggest that there may be problems with the way in which those who install them, that is the licensees, actually see the reliability of the machine and its tests. I understand that there was research conducted by Research Solutions which was comprised of management students at the Royal Melbourne Institute of Technology which found that in a survey of 203 hoteliers and club managers in Victoria a staggering 100 per cent of the club managers or owners had no confidence in the accuracy of readings in the breath analysing machines. Fifty per cent of the hoteliers believed also that the machines were inaccurate. There are other surveys from New South Wales where there is a rather high degree of confidence on the part of licensees in the accuracy of the machines installed in that State. Whether there is a difference in the quality of the machines in those two states, I do not know, but it is interesting to observe - - -

Mr Quinlan: How you ask your question, I would suggest.

MR HUMPHRIES: Yes, it could be also how you ask the question. That is quite possible. The point I am trying to make is that we need to be very empirically testing that we are actually leading people into safer drinking and driving behaviours as a result of this legislation offering protection to people who are either manufacturers and distributors of this sort of equipment or licensees of premises in which the equipment is installed. We must ensure that people are getting a complete and accurate picture of what is going on in the majority of cases; that the community is benefiting from the legal protection which this legislation would afford to those machines**.**

The Government is prepared to give that issue the benefit of the doubt at this stage and to accept that we should ensure some measure of protection for the operators of the machines. The question could be asked: "If the machines are being installed, if the manufacturers have confidence in them, why is it necessary to give them a blanket protection against being sued?". I suppose the answer is that these machines can never be satisfactorily made 100 per cent accurate. The same, I suppose, could be said about the breath analysis machines used by the police on the streets of our city to measure the alcohol content of people's breath. Nonetheless, Mr Speaker, those issues having been put on the table, and, as I have said, there are amendments to deal with some of them, I do not weigh too heavily against the legislation. We support the Bill for that reason, with those amendments.

MR RUGENDYKE (5.14): Mr Speaker, I will be brief and just indicate that I will support this legislation. It appears to be wise legislation. It would indemnify a club owner or members from proceedings, either criminal or civil, if a person uses the machine and gets caught once they leave the premises. Also, to allay Mr Humphries' concerns about what happens if the machine is used and they do get caught by the police, it is important to note that the machine must be accompanied by a legible sign informing users that the readings given by the instrument are not accepted by the police or the courts, and also that the blood alcohol level can rise for an hour or more after the last drink. So there are safeguards there.

Interestingly also, Mr Speaker, these machines are to comply with the relevant Australian Standard. It is my understanding, and I could be corrected, that the machines that the police have are not obliged to comply with the Australian Standard. I have no doubt of their accuracy, but to my knowledge they do not need to comply to this standard, which seems quite stringent. I will be supporting the Bill.

MR STEFANIAK (Minister for Education) (5.16): Mr Speaker, I reiterate what the Attorney said. When the Government looked at this matter it came to the conclusion it was sensible to support the Bill. I think there is a lot of merit in that, as there is in having the two-year sunset clause because of those difficulties Mr Humphries raised.

I have had a fair number of dealings in breathalyser matters. I prosecuted some of the major cases when the integrity of the police breathalysing machines was being put in doubt. I think I had the last two major cases that put beyond doubt the integrity of the police breathalysing machines. I do not think there is any doubt now about the detail that goes into ensuring that those machines are as accurate as possible. However, there are some potential problems if legislation like this is not in place. I think legislation like this actually assists further in terms of ensuring the integrity of the police breathalyser machines**.**

I am aware that one of the manufacturers of these machines has been keen to see them get into clubs. I am also well aware of the fact that the current batch of machines seem to be a big improvement on the ones that were available about 20 years ago. I well remember a machine that used to be in the Royals Rugby Football Club back in the late 1970s. It was on the wall there. You put in 20c and I think you could then blow into it. It did not tell you too much. It told you one of three things: Firstly, that you were okay, that was green; **t**hen there was a yellow/orange thing that said, "Don't have any more to drink"; then there was a big red thing that flashed, saying, "Hand your keys to the manager". I will always remember the 1979 grand final celebrations. Someone had put in 20c and blown into it and from about 6.30 or 7 pm that night it just continually flashed that red sign, "Hand your keys to the manager". It did not need anyone else to blow into it; the fumes around the place were enough. It was not a very accurate machine, I think, Mr Speaker, although perhaps on that night - - -

Mr Quinlan: That was the ambient alcohol content in that room.

MR STEFANIAK: It was the ambient alcohol content of the whole room. Perhaps that is not the most accurate way, Mr Speaker. I think on that evening most people would have been very sensible in handing their keys to the manager if they had been silly enough to drive there in the first place.

Having looked at these machines, having tried them out myself, having been involved over a number of years in prosecuting offences and seen how the police use the breathalyser machines, and even having been on occasions a control drinker, I can say that I think these current machines are a vast improvement on what was available 20 years ago. Yes, there are doubts about their absolute accuracy, and I do not think there is any way anyone can compare them with the highly accurate police machines; yet they do give a good gauge on the whole as to a person's state of sobriety and can give

those warning signs, although no-one should be in any doubt that they should be absolutely relied on. That is why I think having a notice on the machine is a very sensible idea, because it warns patrons that these instruments would not be accepted by the police or the courts.

I mentioned earlier the integrity of the breathalyser law. I am pleased to see that Mr Quinlan has in his legislation that evidence of the results of a test that indicates a presence or concentration of alcohol in the blood performed on a breath analysing instrument et cetera is not admissible in any criminal proceedings. That is a very important thing because that does ensure the integrity of the police breathalyser machines. I do not know whether anyone has tried it for about 10 years, but after the integrity of the police machines was maintained - - -

Mr Quinlan: Bill, will you stop agreeing with us?

MR STEFANIAK: It is a worry, isn't it, Ted? There were a few cases when someone would go to court and a few witnesses would say, "I saw him. He only had two schooners of VB over the course of two hours". Having such a provision there I think would get away from the situation of someone saying, "I had two or three schooners of VB in the space of three hours**.** I then blew in the club's machine and I was 0.04. I felt I could drive. Here are my three friends", and the friends all give that same evidence. That may cause some problems in court, so again I think that is a good provision.

I looked at proposed new subsection 177A (2). Initially that seemed a bit strange. I suppose that is an admission that there might well be something wrong with these machines, but let us see how that pans out in practice. Perhaps Mr Quinlan could address that. Obviously, if there are any problems with that or anything else in this amendment, I am sure that can be looked at in a two-year period. Certainly, on balance, I think there are some very positive points in relation to this. From my experience with breathalyser and drink-driving matters in the courts, this should help considerably.

Whilst these machines are a vast improvement on what there was before - they do give some good indications and therefore I do not think anyone would want to discourage them being used - some proviso probably does need to be put on them, saying that they are not necessarily 100 per cent accurate and people should use them as a guide rather than as gospel. Most of what Mr Quinlan proposes seems to do that.

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

ADJOURNMENT

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

> That the Assembly do now adjourn.

999-Year Leases
Chief Planner Proposal

MR CORBELL (5.22): Mr Speaker, it is very disappointing the Government has decided to adjourn the Assembly at this hour, considering that there is other legislation that could be dealt with. However, I understand that it is the wish of the majority of members to do that, so I will not waste any more time on it.

Mr Speaker, today is a very important day in the planning debate in the ACT. We have seen two very important developments today. I would like to reflect on those briefly in the adjournment debate this evening. The first is a decision taken in another place today, in the Senate, in relation to legislation which would have enabled this place to decide on whether or not to provide for 999-year leases. I am very pleased to be able to report to the Assembly that the Senate rejected the Federal Liberal Government's legislation that would have enabled the provision of 999-year leases in the ACT.

Government members: Shame!

MR CORBELL: I notice that the cries of shame come only from those on the other side of the house. It is only the Liberal Party that has been pushing for this legislation. I have not heard a great outcry demanding 999-year leases. I have not heard a great push for 999-year leases overwhelming us in this place. Why? Because the leasehold system works. If this legislation had been passed, we would have seen the absurd situation of this Government attempting to skirt their way around the constitutional requirement for leasehold in the Australian Capital Territory. That is what this legislation in the Federal Parliament would have enabled here in the ACT.

The leasehold system works well. The leasehold system protects the public interest. The leasehold system ensures that there is a return from the value of the land to the community. What the Liberals wanted to do with this legislation, if it had gone ahead, would have allowed an enormous windfall gain. Someone holding a 30-, 50-, 60- or 99-year lease, particularly a commercial lease, would have been able to renew their lease at a token fee virtually in perpetuity. No regard would have been had for the potential value of the land in the future. No regard would have been had for protecting the public interest and the return on the asset to the people of Canberra. It would simply have been a renewal, effectively in perpetuity, for a set amount. Mr Speaker, that would not protect the public interest, and I am very pleased to hear that the Labor Party and the Democrats in the Senate rejected the legislation.

So strident were the Liberals in the Federal Parliament about it today that they could manage only one speaker in favour of the legislation, the Minister responsible. No-one else rose to their feet and argued the case, despite the fact that there were a number of speakers from the Opposition and the Democrats. The Liberal Government could manage only one speaker in favour of that legislation today. Perhaps that says a lot about how they really felt about it. Perhaps they felt they were just trying to do a deal for their mates here in the Assembly. That is one good win today for planning in Canberra.

The other matter I wish to speak about is perhaps a more concerning development, and that is a planning Minister who does not understand the Land Act. We had the spectacle today of the Minister for planning putting out a press statement saying that Labor's plan for the creation of a truly independent statutory chief planner for the ACT would result in the bureaucratisation of planning. Perhaps more red tape would be the Minister's argument.

The Minister's argument against Labor's announcement today was simply along the lines of: "We already have a land and planning commissioner who decides the fate of planning proposals that have attracted objections independent of the Government and the planning bureaucracy". If the Minister had taken the time to read my media statement today, he would have seen that the Labor Party's proposal was to provide for a chief planner with statutory independence whose primary role would be to administer and review the Territory Plan as well as to recommend when variations to the plan were required and to prepare those variations.

Does the Commissioner for Land and Planning administer the Territory Plan? Does the Commissioner for Land and Planning review and prepare variations to the plan? No, he does not. The Commissioner for Land and Planning is independent and he does perform an important role, but that role is entirely contained to decisions in relation to development applications and objections to development applications. Perhaps the Minister should study the Land Act a little more closely before he attacks independence. The Minister is far more interested in protecting his own influence and the political influence of the Government when it comes to variations of the Territory Plan than he is in integrity in planning in Canberra.

Royal Canberra Show

MR HIRD (5.27): Mr Speaker, I would like to inform the house that, come the 25th of this month, the Royal Canberra Show Society will be once again putting on the show, not only for the ACT but for the south-east region of New South Wales. I trust that everyone will be there for the three days of activities. There is also the judging leading up to the show, undertaken by a number of eminent judges who have been doing it for some time. The 25th is Seniors Day, which gives seniors a concession. I know that a number of my constituents will be taking advantage of that.

This year, with the help of the Minister for Urban Services and his staff, for the first time an ACTION bus will take patrons from the interchanges at Belconnen and Civic and drop them inside the showground. The one fare will take them there, give them entry and take them back to the interchange. This idea is not new. This was done for the Royal Sydney Show when it moved from its earlier location to Homebush.

Through this forum, I would like to sincerely thank the Minister on behalf of the President of the Royal Canberra Show, Stephen Beer, and the board of that show. Also on behalf of all those who will participate in the show, I thank the Minister and the staff and all who have helped make this show, which will be one of the biggest and best yet.

999-Year Leases

MR SMYTH (Minister for Urban Services) (5.30), in reply: Whatever our views on 999-year leases, we are not being allowed an opportunity to debate them in this place. You have to agree that it is our future; it is our leasehold system; it is our debate. It should be our decision. Today Federal Labor has taken that away from us.

It being 5.30 pm, in accordance with standing order 34, the debate was interrupted and was extended.

MR SMYTH: Mr Stanhope spent most of today arguing that others should be publicly castigated for their blatant disregard for the people of the ACT. This is just another fine example. I would expect some bipartisan support if he is really committed to sticking up for Canberra. Today the Federal Labor Party and the Democrats took away our rights to determine our future.

What has happened today is undemocratic and a clear indication that Federal Labor does not care about Canberra or about allowing its people to make their own decisions. You have to ask why local Labor is afraid for that decision to be made here in this place. Win, lose or draw, it is a decision that should be made here in this place. The ACT must be allowed to determine its own future. That is a basic right that should be respected, and it is one that the Assembly has fought for in the past. The classic example of course is euthanasia. I would have thought that the local Labor Party would fight for that right again and again, but apparently not on this issue.

In the Senate this afternoon Labor and the Democrats voted against the Liberal Government's move to give Canberrans the right to debate and decide on the municipal issue of extending leases to 999 years. I believe that the defeat of the Australian Capital Territory (Planning and Land Management) Amendment Bill 1997 is a blow to the Territory. It is an issue that should be decided by the very people who will have those leases - Canberrans**.** It should be Canberrans outside the Parliamentary Triangle, those of us who live in this city, who decide on what affects us in our daily lives. We have self-government. They should let us govern.

I call on the Labor Leader, Jon Stanhope, to be consistent in the move he made this morning in castigating somebody else he saw as putting Canberra down and join the Government in condemning the actions of the Federal Labor Party and the Democrats in refusing to allow the ACT to determine its own fate over 999-year leases.

Like the ACT Government, like all of us on this side, Opposition Leader Jon Stanhope was also elected to represent Canberrans on local issues that affect them. Whatever our views on the 999-year leases, we must surely agree that, together, it is for those of us in this place to decide our future on issues like this, not for those on the hill.

We will continue. We will lobby Federal Labor and the Democrats to change their unfair position. I hope Jon Stanhope and the Labor Party will join us to lobby for the right to decide our own future. After all, we have been given self-government. Federal Labor should let us govern ourselves.

Question resolved in the affirmative.

Assembly adjourned at 5.33 pm.