



DEBATES  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY  
FIFTH ASSEMBLY  
WEEKLY HANSARD

4 MAY

2004

## Tuesday, 4 May 2004

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## **Tuesday, 4 May 2004**

**MR SPEAKER** (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Petition**

*The following petition was lodged for presentation, by **Mr Cornwell**, from 592 residents.*

#### **Civic library**

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of certain residents of the Australian Capital Territory draws the attention of the Legislative Assembly to adverse factors leading towards and flowing from the proposed removal of Civic Library in East row to a temporary location in ActewAGL House in London Circuit, and suggests alternative strategies:

- Those invited to Focus Group discussions, convened by the ACT Library and Information Service (ACTLIS) management to discuss the transfer, were unrepresentative of library users and flawed by the surveillance of the process by people not involved in the discussion, and by cash payments to the invitees;
- There is an expressed need for the extension in the existing staff toilet to accommodate the public. This could be done with minimum disruption;
- The present, recently refurbished, Civic Library is located in the central CBD, is near a public transport interchange, has busy pedestrian access and is in a well-used and relatively spacious venue;
- ActewAGL House has a less suitable pedestrian and public transport access, needs major architectural changes for library use and is smaller in size than Civic;
- The inconveniences and time losses caused to library staff and users during the proposed transfer are economically and socially unjustifiable; and

Your petitioners therefore request the Assembly to call on the ACT government to:

- i. Arrange for the continuation of the lease of the present Civic Library until a permanent, accessible and central library has been built and equipped;
- ii. Extend existing toilets in Civic to allow public use;
- iii. Cancel any ActewAGL/ACT government agreements to do with the library transfer; and
- iv. Ensure the future transparency and openness to all parties of ACTLIS focus group procedures.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

## **Privilege**

### **Statement by Speaker**

**MR SPEAKER:** On 1 April, Mr Smyth gave written notice of a possible breach of privilege concerning certain comments made in the chamber by Mrs Cross. Mr Smyth queried whether comments made by Mrs Cross in relation to the censure motion moved against Mrs Dunne and Mrs Cross's intention to amend the motion if Mrs Dunne resigned her position as chair of the Standing Committee on Planning and Environment constituted a contempt and was therefore a matter of privilege. For the information of members I present:

A copy of letter from Mr Smyth's to the Speaker, dated 1 April 2004.

Under the provisions of standing order 71 I must determine, as soon as practicable, whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice and forthwith refer the matter to a select committee appointed by the Assembly for that purpose. If, in my opinion, the matter does not merit precedence I must inform the member in writing and may also inform the Assembly of the decision. I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly; I can only judge whether the matter merits precedence. I have considered the matter and have concluded that the matter does not merit precedence. I wrote to Mr Smyth on 15 April 2004 informing him of my decision.

## **Land (Planning and Environment) Amendment Regulations 2004 (No 1)**

### **Paper and statement by minister**

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

Land (Planning and Environment) Act—Land (Planning and Environment) Amendment Regulations 2004 (No 1)—Subordinate Law SL2004-12 (including an explanatory statement) (LR, 29 April 2004).

I seek leave to make a statement.

Leave granted.

**MR WOOD:** The government is committed to building Gungahlin Drive extension. On 14 April, Mr Corbell advised that the government would appeal the Supreme Court's recent decision on Gungahlin Drive extension and concurrently make new regulations to clarify the existing law. These amending regulations under the Land (Planning and Environment) Act 1991 make clear that there is generally no requirement for the ACT Planning and Land Authority to: duplicate National Capital Authority planning approval requirements in designated areas; clarify the intent of the exercise of the call-in power; clarify that development applications related to the Gungahlin Drive extension are not

subject to review processes initiated by objectors and third parties; and provide sunset clauses for GDE-specific provisions of the regulations.

These regulatory changes provide certainty by clearly identifying the responsibilities of the territory and the National Capital Authority for works in designated areas and clarifying the intent of the minister's decision-making powers. The anomalies identified in the Supreme Court decision of Justice Crispin on 30 March 2004 have been addressed so we can return to the accepted and long-held understanding of the planning responsibilities. This view is reflected in a letter the government received from the federal minister for territories last week. Senator Campbell says:

The shared understanding of the Commonwealth and Territory has been that Territory development approvals are not required in designated areas. I understand that Justice Crispin has held otherwise. The result is that both Commonwealth and Territory development approvals can be required in designated areas.

The application of dual planning controls in designated areas is an unsatisfactory and unworkable situation for all concerned, not just the Commonwealth and the Territory planning authorities but also proponents of developments.

I am concerned that action be taken to reverse the general impact of the decision of Justice Crispin and to ensure that the relevant legislation fairly reflects the long agreed position of the Commonwealth and the ACT. It seems to me the most ready means by which this could be achieved is for the Territory to appropriately amend the regulations under its planning legislation to make clear that Territory development approvals are not required in designated areas.

I note from a recent press report that you intend to pursue this course of action and I urge you to consider making such amendments to the regulations as soon as possible, even if the Territory chooses to pursue an appeal. Appropriate amendments to the regulations should deliver a more certain and speedier solution to the general problem.

Thank you Senator Campbell. The amendments to the regulations now tabled clear the way for work on the road to proceed once the work is approved, without the possibility of reviews by third parties and objectors. After more than 20 years of planning and seven years of debate this road must be built. This is an important piece of public infrastructure and, along with the government's significant investment to improve public transport in Canberra, it is an important part of addressing Canberra's transport requirements. This is more than just a road. The GDE is a transportation corridor for buses, bicycles and cars and an integral part of the government's sustainable transport plan for the ACT.

## **Suspension of standing and temporary orders**

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

That so much of standing and temporary orders be suspended as would prevent:

- (a) any business before the Assembly at 3 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2004-2005;
- (b) (i) questions without notice concluding at the time of interruption; or

- (ii) debate on any motion before the Assembly at the time of interruption being adjourned until the question—“That debate on the Appropriation Bill 2004-2005 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed;
- (c) at 3 pm on Thursday, 6 May 2004, the Order of the Day for resumption of the debate on the question that the Appropriation Bill 2004-2005 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit for the speech of the Leader of the Opposition, the Australian Democrats, the ACT Greens, and the Independent member be equivalent to the time taken by the Treasurer in moving the motion—That the bill be agreed to in principle; and
- (d) (i) questions without notice being concluded at the time of interruption; or
  - (ii) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

### **Estimates 2003-2004 (No 3)—Select Committee Report**

**MRS CROSS** (10.40): Pursuant to order of the Assembly of 11 March 2004, I present the report of the Select Committee on Estimates 2003-2004 (No 3) entitled *Appropriation Bill 2003-2004 (No 3)*, including a dissenting report, together with a copy of the relevant extracts of the minutes of proceedings. I seek leave to move a motion authorising the report for publication.

Leave granted.

**MRS CROSS**: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MRS CROSS**: I move:

That the report be noted.

I firstly thank my committee members—Ms Karin MacDonald, deputy chair, and Mr Brendan Smyth—not only for the work we have done in a collaborative way in this process but also for the opportunity given to chair this committee. I also extend my thanks to Stephanie Mikac, secretary to this committee, for her outstanding support not only to the committee members in general and to this committee process but to me as its chair. I have found Stephanie’s contribution invaluable and wish her continued success in supporting the members of this Assembly.

This has been an interesting process. Given that we have a very busy day today, I will keep my comments as brief as possible. The committee has made 12 recommendations in its report and I am going to touch briefly on all those recommendations. I will begin by saying that I came into this with a very open mind. I thought this process was going to be far simpler than it was. The government has an appropriation; we have a system; we look at it; we listen to the evidence and basically say, “Okay, look, they need the money; let’s just let it go through.” But it has been a far more complex process than I anticipated.

The one thing that stuck out in my mind in this process was something that ministers need to be reminded of—some more than others. Some have been far more cooperative and more forthcoming than others in this process. I found the Chief Minister to have done better than most of his ministers in this regard—and he should be an example to the others. I believe it is a minister's responsibility to uphold the integrity of the committee system—and not only those members of the Assembly who are in other roles as the opposition, the crossbench and the backbench.

It is important that no-one attempt to undermine the committee process, particularly in such a small parliament as that of the ACT where the committee system is crucial in ensuring that the government is accountable to the people of the ACT. It is the obligation of all ministers to be cooperative and truthful, and to provide all material and information requested without hindering the committee process. This is an expectation, not a wish—it is part of our work. At times I and my committee have found the process frustrating but we tried to streamline the process as much as possible. I will now turn to the recommendations in the report. Recommendation 1 reads:

In future budgets, proper allowance is made for known or expected wages growth.

I will not go into this in detail. It was anticipated by the government that there would be an EBA negotiation process. It was felt that this could have been allowed for somewhere in last year's budget. The report expands on that and I will not go into it any further. I know that Mr Smyth will go into this in further detail. I know that Ms MacDonald has a dissenting report and she will have her own comments. I would expect that of a government member.

Recommendation 2 reads:

The Government ensure that Wizard is compensated fairly for the services it has provided to the Territory in relation to the AIMS database in as short a timeframe as possible and in agreement with the independent arbitrator.

This matter caused the committee great concern. The committee was provided with a substantial amount of information. It is a pity that, when looking at an appropriation bill and going through the estimates process, we had to spend no fewer than 40 hours going over this information just to ensure that we were getting the understanding of this issue right. We did have a minister and his department come before us. We also wanted to give an opportunity to the vendor to provide us with information. The government had been dealing with it over a very long period of time.

The fact that it appeared that this vendor had been put in such a difficult position financially that they were basically expected to accept an offer—take it or leave it—was very disappointing to us. This vendor went into a contractual situation with the government in good faith and trusted that the department he was dealing with would honour that contractual obligation and, in the end, it turned into a big headache, putting a severe impost on this vendor. It seems to me that this matter should have been handled on a far more reasonable and timely basis. The committee recommends that this matter be addressed as soon as practicable and hopefully not to the ongoing disadvantage of this vendor—Wizard. Recommendation 3 reads:

The Minister at the first available opportunity explain to the Assembly why the Assembly was told that the Treasurer's Advance was being used to fund additional services in child protection, when evidence received by the Committee indicated that the Treasurer's Advance had not been used at that time.

This relates to the evidence given to the committee by Minister Gallagher in relation to child protection. The report expands on this further. Recommendation 4 reads:

The Department of Education, Youth and Family Services review how it collects statistics in relation to substitute care, and assess the adequacy and effectiveness of the information collected with the aim of improving its service delivery and financial planning ability in this area.

This was based on the fact that the minister requested that she come before the committee a second time to provide supplementary evidence. The committee was happy to allow that. The minister made it clear that the Treasurer would be putting through an amendment to the appropriation for an additional \$4½ million. The minister then wanted to explain to the committee why that \$4½ million was needed. Given that the amount was almost three times the original request in the appropriation, the committee was rather stunned that this amount had not been forecast in advance. It felt that, given the great disparity between one amount and the other, the collection of information should be reviewed. Recommendation 5 reads:

The Government improve the procurement processes of ACT Housing and be better able to explain how monies appropriated will be expended.

This is also elaborated on in the report. Recommendation 6 reads:

The Government post to a website all transcripts of the coronial inquiry of the 2003 Bushfires immediately, as they become available.

This being perhaps the most sensitive matter to the community we felt it was important, in the public interest, that this information be posted. It is public information but we felt that the sooner it was put on the website the sooner, this information would be accessible to all in the community. Recommendation 7 reads:

The Minister for Planning present to the Legislative Assembly all the documents and correspondence relating to the proposed purchase of the Phillip Oval and, that the Assembly review the issue on receiving this information.

The Phillip Oval issue was interesting. The Minister for Planning, Mr Corbell, asked for \$800,000 in this appropriation to purchase Phillip Oval. We sought and received information from a number of parties on this matter. This generated great concern to the committee because the information we received from the minister seemed to contradict the information we received from the relevant parties. Recommendation 8 reads:

The Minister for Planning apologise to the Legislative Assembly for withholding relevant information to the Select Committee on Estimates, in relation to the Phillip Oval matter.

This caused us great concern because when we have ministers and their departments come before us to give evidence, in good faith, we expect that information to be given to us in its entirety and not edited. Other people should not decide how much the committee should and should not get. It is my understanding, not only from the advice I have received from the Clerk of this Assembly but also from others who have been working on the estimates process far longer than I, that the committee does have the right to seek this information and expect to get it unedited, in its entirety.

I am concerned that did not happen with this minister in this case. I say again that I came into this process with an open mind, giving everyone the benefit of the doubt that they would do the right thing. I am not basing it on an opinion or an assumption, I am basing it on the facts that I, as the chair of this committee, and my committee members have received—on correspondence that has come before our committee and is evidence. It is a serious matter when a minister in this place chooses to mislead an estimates committee, which I have been advised is a very serious instrument of this Assembly. Therefore recommendation 8 asks the minister to apologise to this Assembly for withholding relevant information to the Select Committee on Estimates in relation to the Phillip Oval matter and perhaps explain to us why he chose to do so. Recommendation 9 reads:

The Government allocate funds for the immediate purchase of a mobile humidicrib.

Given that many members and my committee members know the importance of the future of our city and our children, such a small but significant piece of equipment should have been allocated for in previous budgets. We felt it was an important thing to include, which should have been included in this appropriation, and therefore we have made it a recommendation. Recommendation 10 reads:

The Government report back to the Legislative Assembly on the first sitting day in August 2004, as to how much of the \$103.330 million contained in the bill was actually spent by 30 June 2004.

One of the things that came across during the estimates process was that there was concern that the money asked for in this appropriation was not going to be expended before 30 June. Where there is an appropriation for money that is needed now rather than later, there was concern that perhaps most of the money that has been asked for will not be used before the next budget or before 30 June. So the estimates committee decided it would like the government to report back to the Assembly by August and advise how much of this \$103 million will actually be expended.

Recommendation 11: the committee decided that it would be happy to pass this appropriation with the omission, however, of the \$800,000 intended for the purchase of a lease over Phillip Oval. Upon examination of the information and correspondence received the committee could find no reason why the government had decided to make a purchase of this oval, given that offers had been made by other groups in the ACT who were prepared not only to purchase it but also to maintain it in future out years. The minister neglected to put to anybody the significant cost of that to taxpayers in the out years.

The minister in evidence before the committee said that there had been an offer made by a third party who did not want to keep it as a sporting facility but wanted to do other things. However, the minister neglected to say that there had been an offer made by another third party which wanted to maintain this oval as a sporting facility and not only maintain it exactly how it was meant to be but also pay for its ongoing costs which, anecdotally, have been touted as anywhere from \$150,000 to \$200,000 a year to maintain it in a pristine condition.

It was interesting to me and my committee why someone made that decision, given that there was an offer in writing and that there had been correspondence between the relevant parties to the effect that they would be happy for this facility to be purchased and maintained the way the minister would like it to be maintained and not changed in the way another third party was interested in maintaining it. Maybe in the minister's apology he can explain to us who in his office made that decision; why they chose not to save taxpayers' money and sell the oval to one of the third parties that would have kept it within the bounds of a sporting facility and why the government decided to go into the business of buying sporting ovals at taxpayers' expense.

It is interesting that the cost of a humidicrib in the ACT, which is something we desperately need for our children, is minimal and yet this minister seeks to waste taxpayers' money—there are also the ongoing costs of maintaining this unnecessary purchase—when there is clear evidence before this committee that he does not have to do that. That is an unnecessary expense which should not be in this appropriation. *[Extension of time granted.]* The committee is greatly concerned about that. Despite the reservations of the committee about this appropriation bill they decided to pass it with the omission of the intended but unnecessary \$800,000 for the purchase of Phillip Oval. The last recommendation, recommendation 12, states:

Prior to the commencement of any or all Estimates committee hearings, Ministers should remember their responsibilities and obligations in the conduct of hearings, and, if necessary, refresh their knowledge of Standing Orders; and further understand the difference between the Treasurer's Advance and a supplementary appropriation.

The committee took offence at a letter received from Minister Bill Wood, which has been tabled in this report. Not only did it find the attitude of this letter insulting but it was also another posturing, lecturing letter by a minister who has at times come across as very arrogant during estimates processes, indicating frankly that he does not like being questioned and that he finds this rather boring. The committee did not need to be educated on the difference between a Treasurer's Advance and an appropriation. It was unnecessary for this minister to write this letter but he chose to do so. Given the attitude of certain ministers and some of their departmental people in this process, it was important to highlight the fact that these ministers need to be re-educated and perhaps undertake a refresher on their responsibility to the estimates process.

When ministers come before this committee process it is their responsibility to be cooperative, truthful and forthcoming with information; to not hinder the process or be arrogant and imply: we are doing this as a favour; we really do not have to be here. Well, they do. It is their responsibility to do the right thing. They have an obligation not only to the Assembly but also to the people of the ACT to be cooperative, forthcoming and

truthful and to not use this process for political point scoring. This did come across on a couple of occasions with ministers that we gave the benefit of the doubt to.

**Mr Corbell:** You would never do that, Mrs Cross!

**MRS CROSS:** You are the minister; I am not the minister.

**Mr Corbell:** You would never do that, Mrs Cross.

**MR SPEAKER:** Order! Mrs Cross has the floor.

**MRS CROSS:** Thank you, Mr Speaker. As the chair of this committee—and I know that all the members of the committee took their roles very responsibly—it was disappointing because, as I said in my opening remarks, I came into this with an open mind and I thought it would be a far simpler process. I thought, “The government has every right to put an appropriation through. It wants extra money; let us just look at why they need it. It will be fine.” But it was not as simple as that. The cynicism, arrogance, obstruction, hindering of the process, lack of cooperation and lack of evidence coming to us in its entirety was disturbing. You can continue to do that; you can continue to decide which questions you answer, Mr Corbell, which you seem to do better than everybody else in here. When there is an issue you do not want to answer, you just do not answer. This seems to be your pattern not only with members of this Assembly but also with members of the community who write letters to you. If you do not want to answer, you just do not answer.

The problem is that, at least for the next few months while you are still in a minority government, you will be accountable to the members of this Assembly. God forbid what will happen after October but until then you are accountable to the instruments of this Assembly. One of those instruments is the estimates committee process, whether you like it or not. Unless you would like to go out there in your campaign and say to the people of the ACT, “Do you know what? We are going to thumb our noses at the processes of this Assembly because, frankly, we don’t care what you say. We don’t give a proverbial about the committee process because we do not want to be accountable; we want to do what we want whenever we want to do it.”

This is about accountability, about your being up front and honest. Did you not go to the last election saying that you were going to be different from the former government because you were going to be transparent? Well, bugger me if I have seen a lot of transparency! Has there been a lot of transparency? I have not seen much. The concern is that I have felt hindrance in this committee process, and that should not be the case. I should not have to tell you that, Mr Corbell: you have been here twice as long as most of the new members. I withdraw the other word, Mr Speaker.

**MR SPEAKER:** Thank you, Mrs Cross.

**MRS CROSS:** Once again I would like to thank my committee members. I would like to thank Mr Brendan Smyth and Ms Karin MacDonald for giving me the opportunity to chair this committee—and Stephanie Mikac. I am disappointed that some of the ministers I held in high regard have let me, the Assembly and the people of the ACT

down by some of the decisions that they have made and in the way they have manipulated this committee process to their own political ends. I hold the committee process in high regard and would hate to think that this group of ministers may follow this pattern in the future. Once again I commend this report to the Assembly.

**MR SMYTH** (Leader of the Opposition) (11.03): The government's appropriation bill is an important way for it to gain extra funding to carry out projects. As the committee has not had the time to look at all issues in the bill it should not be assumed that all issues have just been given a tick. It has taken time to look at a number of significant issues. The first is how we ensure in future budgets that proper allowance is made for known wages growth. It appears the government has salted away 1.3 per cent of the current year's budget for pay increases for public servants. It clearly knew that on 31 March all of the EBAs would become due and that there would be substantial pay increases, given the pressure from the Commonwealth.

We have heard many of the ministers talking about trying to compete with the Commonwealth and yet you have to remember that the Treasurer delivered a budget for this year that was supposedly in deficit by \$7.7 million. It is only good luck that it may end up substantially in surplus. This shows the lack of foresight of this government in putting aside the proper amounts. It is only with luck that they can afford to pay public servants any pay increases at all or, through appropriation, they would have had to take the budget further into deficit.

Recommendation 1 simply makes the point that proper allowance needs to be made for things that are known to occur. We often get in this place, "We didn't know it was going to happen. That's why we have either used the TA or brought forward an appropriation bill." When something was known it was not covered anyway. That is the point of recommendation 1.

Recommendation 2 deals with the case of the firm "Wizard". Mrs Cross has covered that fairly comprehensively. The recommendation says that the government should act in as short a timeframe as possible and in agreement with an independent arbitrator and the process it sets up. There seems to be resistance from the government to deal with this fairly. I would like to highlight the fact that an agreement was reached in March 2002 that it would be settled by July 2002. Here we are in May 2004 still dealing with an issue that could have been gone through much quicker. It is important that, when these cases arise, they are dealt with quickly. Recommendation 2 simply calls on the government to treat Wizard fairly and to do it quickly, in accordance with the process that they agreed to through the independent arbitrator.

Recommendation 3 deals with the hoary old issue of the Treasurer's Advance—whether you are using it or not. In this place on 12 February, the Minister for Education told us that the Treasurer's Advance was being used for child protection and that it was urgent money. The minister and the then Acting Treasurer, also known as the Chief Minister, had agreed that the Treasurer's Advance be used for a \$1.8 million additional funding for child protection. It turns out that what we were told is basically not true, the Treasurer's Advance was not used then; it has not been used today and that any funding needed for child protection will probably not be needed until the month of June. I think we would all agree that, if additional money is required for child protection, it should be there. The

heart of the reason why the committee has said the appropriation bill should go through is to ensure that the few absolutely essential things on this wish list from the government go ahead—and child protection is clearly one of them.

The Minister for Education, Youth and Family Services told the committee that she herself wrote the speech she delivered here, so she cannot blame anyone else; she was not given a speech to read, as often happens with ministers. She said in this place on 12 February that the Treasurer's Advance was being used because it was urgent. The urgency has now been shown to not be true. The department could have cash managed the extra need until at least May, if not June, this year. When the minister came back last week—she sought an additional meeting with the committee—she gave us further information that confirms that. So recommendation 3 asks that the minister at the first available opportunity explain to the Assembly why the Assembly was told that the Treasurer's Advance was being used to fund additional surpluses when in fact it was not. We need to know that we can trust what ministers are saying ; that they get it right the first time; or, if a mistake is made, that people come back at the first available opportunity and correct the record.

Recommendation 4 talks about how the statistics are collected in relation to substitute care. When the minister came back we had some charts that showed us some three-year figures. They said it was not science, that it was more of an art. I suggest that a slightly longer study might give a pattern. With modern accounting software you can trend lines and predictions out rather than saying, "We don't know." In this case, in the fourth quarter for this year the department, through the minister, has said it will take the smaller number of days option but at the higher cost equalling an amount, It could not actually explain them. We take the point: It is not exact. This is not a criticism of those in the department but, if we are going to have confidence in the budget process, it is important that, where you have failings like that or the inability to predict, you work out a way of getting around it. The estimates are based on facts and estimations, not on guesstimates. So we have suggested in recommendation 4 that some attention be paid to that.

Recommendation 5 looks at the procurement processes of ACT Housing and suggests that the government might like to improve them. It also asks the government, when it appears before committees, to be better able to explain how the moneys appropriated will be expended. I refer back to the fire safety money. It is interesting that in June 2002 the government allocated \$10 million for urgent fire upgrades using the Treasurer's Advance, and it put that to this place, yet two years later some \$7 million has still not been expended. Indeed, in the period from May to June 2002 no money was expended even though it was considered urgent, and in 2002-03, only \$2 million was spent on fire safety works on the multi-unit public housing complexes. You have to question either the government's commitment to carrying this out or the original premise that this work was urgent, because at the completion of the following financial year, only 20 per cent of that money had been expended.

In this financial year, 2003-04, only \$947,000 has been spent. The remaining \$7 million will not be fully expended this financial year "for the reasons set out below". Another look will be taken at that because of the lobbying of Mrs Burke to stop the removal of the flyscreen doors. You would have expected the government to have done this work before it said it urgently needed \$10 million. In two years it has managed to spend

30 per cent of urgent funding. The remaining \$7 million is now being slowed down because it did not do the proper work to account for how this money would be spent. That is symptomatic of how this government goes about putting its budgets together. Recommendation 5 looks at the government improving the processes so we do not have these errors in the future.

Recommendation 6 looks at the cost of getting transcripts from the coronial inquiry. I have endeavoured to get hold of them and each day consists of probably 100 pages at \$10 a page, which is something like \$1,000. There is a large amount of interest out there in these transcripts but they are beyond the reach of most people in the community, and certainly that of members of the opposition. Recommendation 6 is simply a request for the government to post to a website, in the community interest, all the transcripts as they become available.

On page 17 there is an unnumbered recommendation. I suspect that is not anyone's fault. The committee was still meeting until well after 10 o'clock last night and the committee secretary and the chair were here until almost midnight putting this report together. The recommendation asks the government to carry out appropriate assessment before any further vegetation is removed. It relates to an incident of clearing of vegetation on Farrer Ridge where the guys with the chainsaw turned up before the guys with the spray cans and the tapes to mark the trees.

The guys with the chainsaw did their bit. They said, "It looks like that one, that one and that one are going. X marks the spot except we have marked it with a chainsaw!" An older gentleman living in one of the residences that backs onto Farrer Ridge has been, for the last couple of years, carrying bucket after bucket of water to keep these trees alive. The trees were planted by the local land care group. Much to the upset of the committee, unfortunately, a little bit of zeal got in the way and the trees were gone before the assessment was done. That is a reminder that we must make sure we get the process right.

The committee has recommended that the money for Phillip Oval not be appropriated until the government comes clean with the documents the committee has asked for. Once its report is tabled the committee expires, so recommendation 7 is that all documents and correspondence relating to the proposed purchase of Phillip Oval be given to the Assembly. I quote what the minister said:

...I also indicated that I would not support transfer of the lease, because I thought it was inappropriate to sell the lease to a party who wasn't proposing to use the oval predominantly for sporting-type activities.

That is reasonable, if that is what you want. If you want a buyer who will take the oval and keep it as an oval then that is fair enough. If a developer wanted to purchase it and use it for a development but that was not government policy, you can understand that.

The problem is that the minister did not tell the committee there was another party interested in purchasing the oval for exactly the purpose the minister asked for, that is, to use it predominantly for sporting type activities. I quote from a letter from the other third party. It says that they:

...support the position of the government in as much as Football Park should be preserved as a sporting and recreation facility and believe, as is evidenced by the record herewith attached, that it can support the government and the community by substantially covering the cost of maintenance and enhancement of the facility in the future.”

The minister said: “We are buying it back because the guy who has some sort of contractual arrangement with ACTAFL wants to redevelop it; we do not want that to happen.” What he did not tell the committee, and therefore this place, was that he had another offer which was to substantially keep the place as a sporting and recreation facility—and not just keep it, but maintain it and enhance it. I understand other groups are supportive of this proposal. I think the minister should take recommendation 7 very seriously and make those documents available to the Assembly very quickly.

Recommendation 8 is that the minister apologise to the assembly for withholding relevant information from the Select Committee on Estimates in relation to the Phillip Oval matter. We cannot, as an Assembly, make an informed judgment on this matter when the minister picks and chooses which bits of information he gives. He cannot and should not do that. He was asked in fairness and openness and he chose to—I guess you would call it sins of omission—to answer the way he would.

**Mr Corbell:** Read the question; read what I was asked.

**MR SMYTH:** The minister says, “Read the question.” You can pick and choose how you do this and you can always hope to get away with it as the minister often does. But in this case he has been well and truly caught out. He has an offer from an organisation that wants to keep the oval as a sporting facility and he chooses not to make that information available to the committee.

Recommendation 9 looks at allocating funds for the purchase of a humidicrib. I hope the government will take that favourably. Recommendation 11 is that the Assembly pass the appropriation bill. Recommendation 10 calls into question how much of the money is required. Questions were asked and taken on notice—I do not believe I have got answers yet—as to how much of this money is to be expended in this financial year. So recommendation 10 calls on the government to report back to the Assembly on the first sitting day in August this year as to how much of the \$103 million contained in the bill was spent by 30 June.

I hark back to the use of the \$10 million from the TA for the urgent fire upgrade two years ago of which only 30 per cent has been spent. If the Treasurer’s definition of “urgent” is that you get rid of 30 per cent in two years based on this extra \$100,000 million that the government is asking for, then \$70 million may well be floating around two years from this date. This is important. I hope the government takes this seriously and comes back to the Assembly on the first sitting day in August to tell us how much of this third appropriation has been expended and how much of it could have been included in the budget about which we will hear later today. I commend the report to the Assembly.

**MS MacDONALD (11.17):** I thank the Treasurer for allowing me to speak also. I will try not to speak for too long—I cannot necessarily guarantee that this will be the case—

and at the conclusion of my remarks the Treasurer can adjourn the debate. I would like to start by saying that Mr Smyth has already alluded to the unnumbered recommendation on page 17. That means that we actually have 13 recommendations in the report; and presumably that also means that the recommendations have been renumbered.

I have to say that, because of the lateness of the hour at which the committee finished up last night, I did my best to try to get the numbering right in my dissenting report. I thought I had achieved that but, lo and behold, the numbering was out when I looked at the report this morning. On page 30 of the report I have referred in my dissenting report to paragraph 2.27, which should be paragraph 2.26. I then referred to paragraphs 2.32, 2.34, 2.36, 2.37 and 2.38, which should in fact be 2.31, 2.33, 2.35 and 2.36. Paragraph 2.38 remains the same. Then on page 31 I have referred to paragraphs 2.48 to 2.51. This should in fact be paragraphs 2.48 to 2.50. I have also referred to recommendation 8, 9, 10 and 11: these should actually be recommendations 9, 10, 12 and 13. While most of the numbering is self-explanatory, I would say that my references to recommendations 10 and 11 are not necessarily absolutely clear and presumably the new numbering is 12 and 13.

I think the fact that we have this renumbering issue points to the fact that the end process was fairly rushed. The committee received the first draft at 4 o'clock on Friday afternoon. While the report is not long and was not difficult to read through in the time that was available, generally these sorts of errors do not happen if more time is given to prepare such reports. So in writing my dissenting report yesterday afternoon it was difficult to have to number and renumber a few times, according to the changes that occurred over the day and then last night.

I think the dissenting report mostly speaks for itself. I would say that one part that I did not refer to, which I believe the Treasurer will probably wish to refer to in his response later this week, is the Wizard and AIMS database issue in recommendation 2. I did have a small amount of concern about that recommendation but I did not in a major way dissent in the committee process. So I will not refer to that any further.

This was an interesting process. I think there was a tendency to undermine and confuse some of the major funding that was going on, and I think that is unfortunate because there is no doubt that youth and family services need the money. The Minister for Education, Youth and Family Services repeated over and over again the need for extra funding to come through for the child protection area. The department is cash managing that area and it is quite clear that if the money is not forthcoming through either a Treasurer's Advance or this third appropriation bill, the department will fall short before the end of the financial year.

Some members of the committee had an obsession with saying, "Well, you were given the approval for the Treasurer's Advance. Why didn't you use the Treasurer's Advance? You have got this Treasurer's Advance money and you haven't used it." That patently fails to understand the fact that the use of the Treasurer's Advance had been approved: the Minister for Education, Youth and Family Services had spoken to the Treasurer and asked for the money and the Treasurer had approved the use of that money but then, very shortly subsequent to that, the Department of Treasury decided to have a third appropriation bill. So it was deemed more suitable for that money to be put in with the

third appropriation bill rather than taking it through the Treasurer's Advance, and therefore the Treasurer's Advance was never used.

Mr Speaker, the minister explained this over and over again within the committee, to the point where I was ready to poke out my eyes and my eardrums with the sharpened pencils that were in front of me. But the rest of the committee members and the other members of the Assembly who chose to sit in on that part of the hearing refused to understand what is quite a simple notion. So it was quite ridiculous to request the Minister for Education, Youth and Family Services to give an explanation in regard to that. The *Hansard* record of the committee proceedings quite clearly shows that she explained this point several times.

There is also an issue in relation to the purchase of the Phillip Oval lease. I do not really want to go into this in great detail, other than to say that statements were made in the committee that everybody knew that such and such had an interest. Quite frankly, I consider myself to be part of "everybody" and I had no knowledge about it. Although I do not pay much attention to what goes on within a planning area, I live fairly close to Phillip Oval and I know that it is an invaluable community resource.

I accepted on face value the reasoning that the Minister for Planning gave. I do not believe there was any intention on the part of the Minister for Planning to confuse the issue. He was asked a question about why the government was purchasing the lease instead of allowing a third party to purchase it. The minister gave an answer that satisfied me.

There is a suggestion that a third party would be prepared to maintain Phillip Oval as a sporting and recreational facility. It is my understanding, and I have stated this in the report, that the only way to ensure that Phillip Oval is maintained as a sporting and recreational facility for all of the community is for the government to purchase it. The reason for that is the nature of the lease.

It is quite ridiculous to ask the minister to get up and apologise to the Assembly for not having provided all the information. Such a notion assumes that he has done something wrong. Rather than asking him to explain the situation, he has, in my opinion, been found guilty without a trial.

Finally I would like to thank sincerely Ms Stephanie Mikac, the secretary of this committee. She has an extremely busy workload, as do all in the committee secretariat. *[Extension of time granted.]* I apologise to the Assembly for seeking an extension of time because I did say that I would try to keep my remarks short. Ms Mikac is also secretary to the public accounts committee, and I am sure that Mr Smyth and Ms Tucker would agree with me that that committee has a fairly hefty workload. I know that all our committees have got fairly hefty workloads and I appreciate the long hours Ms Mikac put in on this report, especially in getting it finalised last night.

I am glad that the committee has recommended that the bill be passed. Members of the committee put a bit of a fly in the ointment by saying that we should not approve the \$800,000 for the purchase of the lease over Phillip Oval. I have already said that it is a precious asset for the community and the only way to maintain it is for the government to take over the lease.

I commend the dissenting report to the Assembly.

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

## **Planning and Environment—Standing Committee Report 28**

**MS DUNDAS** (11.28): Mr Speaker, I present the following report:

Planning and Environment—Standing Committee—Report 28—*Draft Variation to the Territory Plan No. 226—Phillip Pool*, dated 16 April 2004, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is a very brief report into another draft variation. The intention of this draft variation is to ensure that a public pool is maintained on the Phillip pool site. The committee is supportive of this amendment to the territory plan. We note that Phillip pool is a government-owned asset and is currently managed by the Department of Urban Services. We also note that for the past 10 years it has been tenanted by a private company and the lease is now operating on a year-to-year basis. It is an important community asset and we do not want to see the situation where the site is sold off for further development that does not maintain a pool in the area.

While examining draft variation No 226 the committee raised some concerns about the future development of the ice skating rink that is co-located on the same site as the Phillip pool, and we would like the government to do further work to see if the lease on the ice skating rink can also be afforded the same long-term protection as has been offered to the Phillip pool.

We would also like to make sure that any future development or lease variation of the site that houses the pool and the ice skating rink is considered in conjunction with the Woden town centre master plan. It is important that we do not proceed in an ad hoc way with the plans out there that relate to our town centres and neighbourhoods.

I commend the report to the Assembly.

Question resolved in the affirmative.

## **Legal Affairs—Standing Committee Scrutiny report 47**

**MR STEFANIAK**: Mr Speaker, I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 47, dated 3 May 2004, together with the relevant minutes of proceedings.

I seek leave to make a very brief statement.

Leave granted.

**MR STEFANIAK:** Mr Speaker, scrutiny report 47 contains the committee's comments on seven bills, 12 pieces of subordinate legislation and six government responses. The report was circulated to members when the Assembly was not sitting, and I commend the report to the Assembly.

## **Environment Legislation Amendment Bill 2004**

Debate resumed from 1 April 2004, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MRS DUNNE (11.32):** Mr Speaker, this bill incorporates a number of important amendments to the Nature Conservation Act 1980 which have come about as a result of what might be called the Transgrid nastiness in 2000. In 2000, utility contractors contracted by Transgrid did a whole range of clearing under their power lines through Brindabella National Park and Namadgi National Park. In doing so they cut a 400 to 500-metre wide swathe through some tens of kilometres of Namadgi National Park and Brindabella National Park, which caused a huge amount of environmental damage.

Transgrid actually fessed up to what they did and came to the party by providing money for compensation and for regenerating the area. But as a result of this process, it was realised that there were deficiencies in the ACT's Nature Conservation Act. For the most part, people envisaged that damage to vegetation would be a case of somebody cutting down one, two or three trees, not tens of square kilometres of damage, as was the case with the Transgrid clearing under the power lines.

These amendments to the Nature Conservation Act, which the opposition supports, will ensure that unlicensed clearing of native vegetation in a reserved area or the damaging of land in a reserved area is, with certain exemptions, illegal. A whole range of new offences relate to the removal without a licence of rock, soil, sand, stone and similar substances. The legislation will also ensure that destruction that is allowed is in accordance with the provisions of part 6 of the land act; or in relation to a management plan; or in accordance with the bushfire fuel management plan; or is necessary to avoid imminent risk of serious harm to persons.

Generally, I believe that these changes are good, welcome and address the problems that we encountered because we now create the notion of not just damage but serious damage and material damage, which are important gradations that fit in with changes in the criminal code.

I commend the government for bringing forth this amendment and also a concomitant amendment to the Environment Protection Act, which requires government agencies to report on damage. I think that this is a good step forward. We will be supporting these amendments and we will be supporting the bill in principle.

The government has also brought forward a number of other amendments to this amendment bill, some of which are supported by the opposition. We will be supporting amendments relating to the making of orders for compensation rather than orders for works. If someone causes damage in a nature reserve it may not be in the best interest of the nature reserve to have the person who caused the damage to come in and fix it up. It may be better for the authorities to say, "We'll take your money and fix it up ourselves." We support these amendments that have been brought forward by the government in the past couple of days.

The government has brought forward other amendments in the past couple of days which are broadly what I would describe as being inspired by the Gungahlin Drive extension fiasco which this government is overseeing at the moment. The Liberal opposition cannot support these amendments. The Liberal opposition has put on the record at every possible turn that we are supportive of building the Gungahlin Drive extension. We, in fact, believe that work should have commenced on 1 July 2002 and any of the delays that we are seeing now rest fairly and squarely with the inaction, and now, I would say, the incompetence, of this government.

Mr Wood has been in here this morning tabling amendments to the land act regulations and provisions, which we are supportive of. We are concerned that we have got to the situation where we need to be in the Supreme Court over this. We have some concerns about the decision made in the Supreme Court and the Liberal opposition supports the regulations made by the Minister for Planning introduced here today by the Manager of Government Business. But the Liberal opposition cannot support amendments 3 and 4 circulated by the government yesterday and the cobbled together changes that have been made today.

We are enormously supportive of the GDE. We have put our heads together and come up with what we believe is a very practical, well thought out solution to the problem of building the GDE, which is good law. But what the government is proposing here today is quite simply very bad law which, if we let the government get away with it, we will rue for many years to come.

This is not just about the GDE. What the government is proposing to do in their amendments is essentially to declare a whole range of people to be exempt from needing a licence to undertake destructive activities in Canberra Nature Park and in reserves across the ACT. It does not relate to the GDE: it relates to any proposal for works in Canberra Nature Park, the Murrumbidgee River corridor reserves, Namadgi National Park, Tidbinbilla Nature Reserve—any area that is under reserve.

When the Liberal opposition ruled out supporting this amendment yesterday, the government came back and said, "Would you like to fix it up?" I said, "Well, no, actually, it is such bad law that I can't work out where I would start to fix it up." We had a bit of discussion this morning and the government has come back with a countermeasure that looks to be an improvement but, really, when it comes to the crunch, it is bad law.

The government is proposing to create for the minister the power to declare that a whole range of people may act under the Nature Conservation Act without licences. They have

now decided, as a concession, to do this by disallowable instrument. On the surface, Mr Speaker, that looks to be quite fair, open and accountable. But just imagine: the Assembly sits this week and then does not sit for another five weeks. If these amendments are agreed to, the Minister for Environment could go out on the day after the Assembly rises on Friday and make a whole lot of disallowable instruments to allow people to carry out destructive activity in Canberra Nature Park, in Namadgi National Park or in Tidbinbilla Nature Reserve. He could make such regulations, which could come into effect the day after.

After the current sittings, this Assembly will not sit for five weeks. There are many instances during the life of an Assembly where there is a five or six-week hiatus—for example, over the Christmas period. Destructive work could be carried out before the Assembly had an opportunity to scrutinise what the Minister for Environment is doing. And that, Mr Speaker, is bad law, and that is law that we in the opposition are not prepared to accept. We in the opposition consider the Nature Conservation Act to be a very important piece of legislation, which is why we are supporting the amendments to make it tougher, to increase the penalties, and to make people who carry out destructive activity really pay the price.

The government is in a difficult position over Gungahlin Drive. Save the Ridge has now taken the conservator to the AAT because she has had the audacity to issue licences for destructive behaviour. So the government is saying, “Look, we’ll solve that problem. We won’t make it necessary for people to have licences so people can’t appeal against it.” There is always more than one way to skin a cat and this is a very bloody, gruesome and messy way to do so.

Really, the government should be looking at good law to support their projects that are important to the territory rather than putting together this cobbled approach which will mean we will have bad law not just for this project but for projects into the future. It will mean that we will have abuses and we will have destruction of our native fauna and flora. There will be the removal of rocks, sand and gravel and all of these sorts of things. We will have a much degraded environment as a result of this very poor piece of drafting.

The Liberal opposition heartily supports the intent of the Environmental Legislation Amendment Bill and heartily supports the government’s amendments 1 and 2 because they strengthen the legislation. However, I seek your ruling, Mr Speaker, on whether the government’s proposed amendments 3 and 4 are in fact counter to the spirit of the legislation that we are debating today and amendments 1 and 2. All of the proposals relating to this legislation are about issuing people with licences to do particular things in particular circumstances and making those licences stringent. But amendments 3 and 4 that the government proposes to move today are in fact counter to that. They are about making sure that people do not need licences to undertake destructive activities, and I think that this Assembly should consider whether it is appropriate for us to even debate them.

**MR SPEAKER:** Mrs Dunne, I cannot find any reference in the standing orders to the question of amendments being counter to the spirit of other amendments. It is a matter of amendments being relevant, and in this case they are relevant.

**MS TUCKER (11.45):** Transgrid was the prompt for this legislative change. Transgrid on two separate occasions in 2002 cleared areas of native vegetation in the Namadgi National Park. This highlighted a gap in the legislation protecting the nature in nature reserves, and this bill is intended to fill the gap by creating new offences relating to clearing of native vegetation and damage to the land in reserved areas.

The existing offences in the act do not apply to people licensed to take plants, or interfere with wildlife or nests, and so on. There is also a general exemption for a number of the offences for a conservation officer or the Conservator of Flora and Fauna acting in the performance of his or her duties. Nor do the offences apply to people appointed for the purposes of section 33 of the Electricity Safety Act 1971—connecting electrical installations to network inspections—in the exercise of his or her powers under that section as a person so appointed. These exemptions apply to specific offences and not, for example, to the offences of selling an animal, import and export of animals, and release of animals from captivity. This is a reasonable system.

The new offences proposed in this bill will also be subject to the grant of licences, and the bill exempts conservation officers in the exercise of a function under this act. However, the bill also creates several new and more general exemptions. Section 601 would establish lawful clearing as clearing of native vegetation in accordance with a licence; or in accordance with a plan of management under the Land (Planning and Environment) Act 1991, division 5.7, public land; or in accordance with an approval for a development under the same act; or in accordance with a fuel management plan under the Bushfire Act 1936, part 6; or if it is necessary and appropriate to avoid an imminent risk of serious harm to a person or substantial damage to property or serious or material harm to the reserved area.

These exemptions mean that not every instance of proposed clearing will be subject to assessment against the specific goals of the nature conservation plan. I have had some concerns on that basis about the exemptions relating to a plan of management, to a DA and to the fuel management plan. The government has argued that in the case of a development application related to a nature reserve, the land manager, who is in this case the Conservator of Flora and Fauna, must be consulted, and the decision-maker must take into account what the Conservator of Flora and Fauna says. There will be input from the scientists in the wildlife and research monitoring unit. However, although the same people may be involved, there is not the same requirement in this process, or in this decision-making framework, to emphasise the protection of the nature reserve.

When a decision about a licence is made, the sole decision-maker is the Conservator of Flora and Fauna, and the sole criteria for the decisions are the guidelines for the nature park, and the nature conservation plan. The government is concerned that this means a second layer of bureaucracy, but this is forgetting the purpose of the nature reserve. If we cannot say that the most important consideration in a nature reserve is the protection of nature, then I think we are seriously missing the point.

Similarly, the rules for preparing the bushfire fuel management plan do not at this point include a requirement for the inclusion of expertise on fire ecology, that is, the effect of fires of different types on the ecology of an area, and in some cases vice versa. The CEO of the Department of Urban Services, the relevant land manager, is responsible for

preparation of the bushfire fuel management plan. The plan is prepared with the relevant land managers.

In the case of reserved land, the Conservator of Flora and Fauna, who is also the CEO of the environment department, is the responsible land manager, and so has direct input into the plan, as it was explained to my office. There is no formalised arrangement for consulting with relevant types of experts, but the practice has been to consult widely. The last bushfire fuel management plan, which had been put into operation but not completed by any means when the bushfires came last year, was developed by a good cross-section of experts.

This is a difficult area to object to and, indeed, the government response to my concerns about this exemption was that it would be inappropriate to give the Conservator of Flora and Fauna an effective veto over the bushfire fuel management plan. I think that this objection assumes that there is an inherent conflict between bushfire fuel management and conservation. This is strange as it is definitely not in the interests of a reserve to be at risk of being completely burned out.

However, it is also not in the interests of a reserve, nor, arguably, the interests of bushfire risk reduction, to have too frequent burns in the wrong season, and without proper consideration of the effects of the types and timing of fire on the particular species in an area. It is also important to consider the effects of the different species, ecosystems and landforms on the progress of fire. It is quite clear from evidence that if inappropriate burning occurs you actually end up with the most flammable species left. So I do not accept in whole the argument of the government. There is probably more work to be done in refining the statutory requirements of preparation of bushfire fuel management plans.

My great concern is that, although the process has included many points of view in the past, I am aware of some views that it did not take into account well enough and particularly, as I said, the expertise on fire ecology—that inter-relation between fire and ecology. So I am concerned that in a political context of extreme views, the processes, which did take in a range of expertise, will be narrowed. This is not to distrust the responsible officers, but the plan is ultimately ministerially approved, and I have seen examples of what really seems to have been overkill on Oakey Hill—a reaction to political pressure and inexpert advice.

So as I say, in this context, and without the requirements to bring in all the relevant expertise, I am not comfortable with the proposal to let a bushfire fuel management plan stand in for a licence assessment. I understand that this is a bit controversial but I say again that it is certainly not in the interests of a nature reserve to be burnt out and so the aims of bushfire prevention and nature conservation are not at odds. The thing is to ensure that the knowledge of the particular ecology is considered, and there is no guarantee in the bushfire fuel management plan process that this will occur.

Finally, I am not happy with the exemption given to plans of management. This, I think, is a less controversial amendment. Plans of management are prepared for all public land in the ACT. While there will be some detailed considerations in the plans, they will not look at specific sites of proposed activities in the same level of detail as should be used when making a licence assessment.

The government's amendments to its bill introduce some improvements to the options for courts, simply giving the courts the option to require the damage to cover the cost of rehabilitation rather than requiring the damager to do the rehabilitation work. This is sensible and recognises that the damager may not be the best informed or skilled party to restore the area.

The third and fourth government amendments, however, are not acceptable and I will speak more to these in the detail stage. I understand there is an agreement that, because amendments were introduced by the government today and yesterday, the debate on the detail stage will be adjourned until Thursday. I will make my comments then.

**MS DUNDAS (11.53):** Land clearing is one of the biggest environmental threats facing Australia today. Our bushland continues to be cleared at an astonishing rate and the vast majority of forest that was present on the Australian continent at the time of settlement has now been wiped out. Land clearing not only contributes to Australia's greenhouse gas emissions, which are already the highest in the world per capita; it also destroys the habitat of our native wildlife, putting large numbers of threatened species at further risk of extinction. So any action to reduce the incidence of land clearing and land damage should be welcomed.

However, this Environment Legislation Amendment Bill is only a small step in that direction. It should be noted that the vast majority of land clearing events in the ACT are both authorised by the government and occur outside reserved areas. This bill only directs its efforts at tackling the problem of unauthorised land clearing events that occur within reserved areas. It does nothing to reduce land clearing approvals in the ACT nor does it take action to minimise the impact on or replace the lost woodland by land clearing that is authorised by the government.

The clearing of a large tract of native vegetation by Transgrid a few years ago was shocking. Many residents of the ACT generally believed that this type of large-scale clearing was not possible in our reserve systems, and in particular in the fragile ecosystems that are protected by Namadgi National Park. From that perspective, this legislation is necessary and timely to ensure that no such unauthorised incursions into our reserved areas take place.

We also need to look at the larger incidences of land clearing in the territory. The biggest threat to native woodland in the territory, particularly the endangered ecological community of yellow box and red gum grassy woodland, is the encroachment of urban development into remnant areas. We have already seen this government move to redevelop remnant stands in east O'Malley, north Watson and in some areas of Gungahlin.

The Democrats have concerns with the inclusion of strict liability offences into this bill. The penalties are taken from the Environment Protection Act, but that act also has a specific defence of due diligence clause that ensures that it is a defence to prosecution that the defendant took all reasonable steps to ensure that there was no damage to the environment. This bill contains no such clause, so in effect the offences in this act are more severe than those in the Environment Protection Act.

I also note that the strict liability offences in this bill carry penalties of up to 1,000 penalty units, despite the fact that the Senate report into the criminal code recommended that strict liability should not be used for offences that carry a penalty of more than 60 penalty units—a fact which has been pointed out by our scrutiny of bills committee again and one that I have raised time and time again in this Assembly.

I will speak further to these concerns in the detail stage, but I want to point out that the Democrats have always supported the strict regulation of environmental offences and it would be wrong to misinterpret these amendments as an attempt to water down the act. Our aim is simply to ensure that the rights violations that have been repeatedly raised by the scrutiny of bills committee are addressed.

I understand that we have a few amendments circulating before us today. I share Ms Tucker's concerns that a plan of management does not have the degree of detail that is required for it to be sufficient reason to displace the land penalties in this act, so I will be supporting the amendments to be moved by the Greens.

I am happy to support the government's first two amendments, which go to extending the powers of a court to order costs for restoration work on cleared or damaged land. However, I will not support the second two amendments. The extension of exemptions from the act to all public servants and anyone else the government chooses to nominate completely undermines the intention of this act and it exempts them from a total of 18 provisions, potentially rendering those provisions ineffective in a large number of cases.

It also allows the government free rein to declare whomever it wishes to be a governmental officer, without any legislative restriction or provision for reconsideration. This is an inappropriate delegation of legislative power and the Democrats will not support these amendments, though we do support the bill in principle.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.59), in reply: Members have indicated their general support for the bill and I thank them for that. The bill is part of the government's response to the illegal land clearing that was carried out some years ago by Transgrid in Namadgi National Park. Members have spoken about the extent to which that really was quite an unacceptable attitude that was adopted at the time and it did reveal significant gaps in our legislation.

The Environment Legislation Amendment Bill in essence does three principal things. Firstly, it introduces two new offences in the Nature Conservation Act of 1980. The new offences prohibit clearing of native vegetation and causing damage to the land in our nature reserves, which includes, of course, Namadgi National Park. Under the provisions, those committing these offences can be required to meet the cost of the restoration work.

The bill also introduces new provisions in the Nature Conservation Act, allowing the Conservator of Flora and Fauna and private citizens to take action in the courts to protect native plants and animals. Private citizens will be able to take this action only when the Conservator of Flora and Fauna has failed to act to deal with the issue. It also adds a

requirement for government agencies to report in their annual reports breaches by that agency of environmental laws and standards.

This will be a very significant enhancement to accountability measures, providing that governments, government departments and instrumentalities are answerable for their behaviour and their actions. I think we would all agree that it will provide a very major additional motivation for government agencies, government instrumentalities and statutory authorities to ensure that they do comply with the law and that they do the right thing. Some other matters are also dealt with by the bill and the extent and detail of these is set out in the explanatory statement.

Members will also recall the remarks I made at the time that the bill was presented that the government proposes to develop a memorandum of understanding with New South Wales which is designed to prevent future incidents like the Transgrid matter and to deal with any such incidents should they arise in the future. A similar approach will be taken within the ACT government to ensure that there is an adequate response to breaches of environmental laws by ACT government entities.

It is very important that we do continue to seek, to the extent that we can, collaborative arrangements with New South Wales, acknowledging the fact that the Transgrid line does run through the ACT. It is essentially a continuum of the line that serves much of the region as well as the ACT and issues in relation to that are issues that we do need to deal with on a regional basis.

The government has also proposed some amendments to the bill and these amendments essentially fall within two categories. The first two items and the first two proposed amendments adjust the power of the court to order that an offender make amends for damage they cause to native vegetation on land and nature reserves. It will be appropriate in some cases for the person that causes that damage to meet the government's cost of doing the restoration work rather than that they do the work themselves.

That would be particularly appropriate in sensitive areas or areas designated as wilderness where there would be an ongoing need to monitor the progress of the rehabilitation over time and where the ecosystem is particularly sensitive that it is being earmarked by the community as worthy of that additional and particularly sensitive care and management. We have such an area in the Namadgi National Park now in the Bimberi wilderness and I think it is particularly important that we ensure that we do not do anything to compromise the management and integrity of that particular wilderness area. That particular amendment will require a change to insert new sections 60K and 60T. I am aware that members have touched on those proposed amendments in their speeches at this in principle stage and I think there is quite broad acceptance that those amendments are appropriate and they will be supported generally by members.

I understand from the comments that have been made by all members of the Assembly that there is essentially broad agreement to the proposed bill until we get to the part of the government's further amendments, which were designed, essentially, as members have pointed out, to deal with the government's responses to certain actions that have been taken within the community which have frustrated the government's attempts to build the Gungahlin Drive extension.

This is an issue that has been touched on by all members. All members have spoken about the nature and the extent of the amendment which the government has introduced in relation to the suggestion—and I note it—certainly from the opposition and from both the Greens and the Democrats that they have concerns with essentially the extent and the nature of the amendments that the government proposes. The general feeling of members who have spoken to this is quite obviously, inevitably, that the amendments are too broad and too open ended.

That was not the government's position. We believe, in the context of our need and determination to build the Gungahlin Drive extension in the face of steps that have been taken to frustrate it, that it is important that we have the capacity to deal with issues such as this. The government's attitude in relation to these proposed amendments is not driven just by the Gungahlin Drive extension and our determination to ensure that we can get on and build that road without further delays, or by that level of frustration—and cost to the community—that has been experienced. Construction of the road has now been held up for just over a month. The cost to the community is climbing inexorably. It is now a very significant cost that is being borne as a result of the delays.

But I have to say, in the context of considering the amendments that we will move, we have looked more broadly at the implications for other aspects of government administration and government management, particularly, and almost essentially of course, on non-leased land. It is the view of the government that the capacity to frustrate the government's capacity or its responsibility, for instance, to manage trees on public land across the whole of Canberra where routine tree removal is required to address safety issues and to maintain the territory's roads is affected by what appears to be, to me, far too broad a provision which was not designed and was never imagined would be used in circumstances such as the essential opposition to its use in relation to the construction of the Gungahlin Drive extension and as I am told would be used, for instance, in relation to our capacity to manage trees on public land or unleased land.

I think one could imagine a range of other circumstances or situations in relation to activities undertaken at the behest of the government on unleased land where historically or traditionally the conservator has never felt the need to issue a licence, for instance, to take or kill animals. I am sure we could find myriad examples where major constructions have been undertaken by successive governments. One could name any road constructed in the ACT in the last 10 years and ask—in relation to, for instance, the construction of Horsepark Drive or the construction of the Barton Highway upgrade—whether or not in those circumstances licences to kill or take native trees were issued and whether or not it was ever envisaged that they be issued in circumstances such as the construction of any road anywhere.

Of course, the example we are currently debating, namely Gungahlin Drive, is certainly very high profile and very extreme, to the extent that it does have a very significant impact on an area of Canberra, the Bruce and O'Connor ridges, which is highly valued and highly esteemed and the disturbance of which is a matter of great regret but, in the submission of the government, simply unavoidable in order to meet our other obligations to the people of Canberra.

It was never envisaged that, after all other approvals, after the satisfactory completion of the preliminary assessment, after all of the environmental assessments that are part and parcel of a preliminary assessment process and final approvals are given to proceed, the construction of the road should falter or halt or be stopped almost indefinitely as a result of an appeal against the routine issuing of a certificate by the conservator in the circumstances in which it was issued in this case.

I do not believe and I do not imagine that when those provisions were included in the Nature Conservation Act it was ever imagined that they could be used after the successful completion of a preliminary assessment, as a way of frustrating a government's intention to proceed with a major piece of infrastructure that has been developed for the entire community—but most essentially in this case for the people of Gungahlin, to ensure that they have exactly the same access to the life of the community and the same capacity to participate in society as have other Canberrans.

It seems to me to be a simple matter of equity, a simple matter of social justice, a simple matter of ensuring that all Canberrans have an equal capacity to participate in the life of the community of Canberra. It was never, ever intended that those major projects designed to produce those results for the community could be frustrated in this way.

I think there are other examples. I think there are moot examples, for instance, in relation particularly to a hypothetical circumstance such as that we are considering in relation to Gungahlin Drive. It is essentially a hypothetical; it is a licence issued on the off-chance, in the hypothetical circumstance, that an animal may be killed. None has been identified that will be killed. It is not a licence to go and say there is an animal in a tree or on a piece of the ground which will be killed as a result of the roadworks that are being undertaken. A licence has been issued on the off-chance—a purely hypothetical possibility—that there may be such an animal in a position where it will be killed.

I have asked for some further legal advice on this, but I believe one can make an analogous case in relation, for instance, to the maintenance of road verges. We provide and hire contractors to mow road verges and parks. It is undoubtedly the case that when a contractor on a tractor or with a huge mower mows road verges and mows public parks and places they will from time to time kill native animals. It is unavoidable. We all know that a native animal, as defined, must from time to time be killed as a consequence or as an incident of the mowing of road verges.

I cannot believe it was seriously imagined or considered at the time of the introduction and passage of this legislation that every time we issue a contract to mow road verges it is proposed that the tractor driver be issued with a licence to kill the lizards et cetera that they might run over as they are mowing the grass. I cannot imagine that was envisaged and I believe we need to address those major deficiencies in this legislation. That is all the government are seeking to do. We are seeking to arrive at a situation where, once all other approval processes have been completed, a major project—or any project indeed, or any activity of government—cannot be thwarted, our capacity to mow the grass cannot be thwarted, on the basis of whether or not the particular contractor received an appropriate licence in relation to that particular activity.

This legislation is important. If this legislation or these amendments do not pass in one form or another, it is inevitable that the construction on Gungahlin Drive will be delayed—I think probably until the end of June at the earliest. This is important legislation and these are important amendments. I have heard what members say. The government is prepared to compromise. We have introduced amendments. We do not believe they are ideal but in the interest of compromise we will proceed with those amendments.

I understand it is the wish of members to continue this debate on Thursday and finalise it. The government is prepared to compromise on appropriate amendments. I have to say to members, however, how vital I think the passage of these amendments is to our capacity to build the Gungahlin Drive extension.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

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

**Sitting suspended from 12.14 to 2.30 pm.**

### **Bushfires—coronial inquest**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, I seek leave to make a short statement in relation to the chronology of events in the lead up to the bushfires of 18 January 2003 to clarify answers I have given to the Assembly on this matter.

Leave granted.

**MR STANHOPE:** In answers to questions put to me in the Assembly by members I advised that I did not have contact with a member of the Emergency Services Bureau or any other senior government officer on the morning of Saturday, 18 January 2003.

In my supplementary statement to the coronial inquest of 12 March 2004, I stated:

I have no memory of any specific or direct contact of me by any person about the fire between the time of the cabinet briefing on the morning of 16 January and the call from Mr Keady at lunchtime on 18 January.

While this statement remains accurate in that I have no memory of any such contact, on Monday, 3 May 2004—that is, last evening—my attention was drawn by a member of my office to the fact that the telephone records of the then Executive Director of the Emergency Services Bureau, Mr Mike Castle, indicate that he placed a call to me at 7.14 pm on the evening of 17 January 2003. This call was diverted to my message bank;

it was of six seconds duration; and I have no recollection of receiving any message as a result of that call.

My office has also drawn to my attention the fact that my mobile telephone account documents a telephone call made by me on the morning of 18 January 2003 to the Chief Executive of the Department of Justice and Community Safety, Mr Tim Keady. The call was placed at 10.09 am and lasted for six minutes and 45 seconds. It appears that this call may have been in response to a call from Mr Keady to me at 9.10 am, which was diverted to my message bank.

As indicated, I have no memory of either receiving a message from Mr Keady or making a telephone call to Mr Keady. I also have no recollection of any conversation that may have taken place between Mr Keady and me on that occasion.

My statements to the Assembly and to the inquest reflect the call made by Mr Keady to me at 12.40 pm, which I received as I was driving to the Emergency Services Bureau of my own volition.

The fact of the record of the call by me to Mr Keady at 10.09 am is not consistent with statements I have made in the Assembly or otherwise on the public record to the effect that I had no contact with officials on the morning of Saturday 18 January. I have unfortunately relied solely on my memory in making these statements, and my memory was clearly fallible. I have today written to the coroner to clarify that. While I continue to have no memory or recollection of contact with Mr Keady during that morning, my telephone records show the fact of a call at 10.09 am.

Mr Speaker, I acknowledge that my answers to members of the Assembly and some public comment I have made on this particular point reveal a lapse of memory on my part.

I sincerely regret that I have inadvertently misled the Assembly. I apologise to members and to the people of Canberra for that. All the answers I have given to members of the Assembly and comments I have made publicly have been accurate to the best of my recollection. I have never—and would never—seek to mislead the Assembly or my community in relation to this or any other issue

### **Questions without notice Code of conduct for ministers**

**MR SMYTH:** My question is to the Chief Minister, Mr Stanhope, and it is about his code of conduct. Chief Minister, the code of conduct for ministers requires that ministers are open and honest with this Assembly. For instance, the code says:

Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence...

All Ministers are to recognise the importance of full and true disclosure and accountability to the Parliament. ...

Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

This morning a committee of the Assembly has—yet again—found the performance of Minister Corbell to be unsatisfactory, with members of the committee identifying that the minister wilfully withheld information from the estimates committee of the Assembly. Do you accept or reject the finding of the committee regarding Mr Corbell? And what disciplinary action will you take with Mr Corbell over his latest breach of the ministerial code of conduct?

**MR STANHOPE:** I am aware of the reference, in the committee report, to Mr Corbell and am broadly aware of the comments that you just made as they relate to the particular issue that was under consideration by the committee. I just wish to say that I have not read the report as yet.

**MR SPEAKER:** I think, too, Chief Minister, that the question does in some way anticipate further discussion on the motion to adjourn consideration of the report. So please be mindful of that in your response to the question.

**MR STANHOPE:** Thank you, Mr Speaker. I was going to go on to say that I have not had an opportunity to read the report. I have not had an opportunity to make any judgment on the claims or recommendations that may have been made by the committee in relation to Mr Corbell and the incident that the committee has reported on. In order for me to be able to do justice to the question that the Leader of the Opposition asks, I think I should be afforded an opportunity to at least read the report. In the interests of any issue such as this it is only appropriate that other forms of the Assembly be utilised and, indeed, I think it only appropriate that the member or minister affected—in this instance, Mr Corbell—be given an opportunity to respond.

**MR SMYTH:** I have a supplementary question, Mr Speaker. Chief Minister, what efforts have you taken during the life of your government to ensure that Mr Corbell and other ministers comply with the code of conduct? Will you table any correspondence that has taken place between you and your ministers about the need to comply with the code?

**MR STANHOPE:** I and all members of the government take the code of conduct seriously. It is a matter of some moment. We pride ourselves on our accountability, our honesty and our integrity. It is a hallmark of this government. It is something that we discuss. It was discussed at length, certainly, by the ministry in the cabinet processes that led to the formulation of the new code of conduct. It is a matter that I have urged on my ministers as of importance; to the extent that we meet weekly as a caucus we talk constantly about the image that we present, our integrity as a government and the importance of our representing at the highest level the notions and the principles enunciated in the code of conduct. We take them seriously. We are serious about it. We think it is a true reflection of the nature of a government and it is my intention, each of my ministers and every member of this government that we will govern according to the highest principles of accountability, openness, honesty and integrity.

**Sustainable transport plan**

**MR HARGREAVES:** Mr Speaker, my question is to the Minister for Planning. Minister, would you advise the Assembly of the key important strategies you recently announced in the launch of the government's sustainable transport plan?

**MR CORBELL:** I thank Mr Hargreaves for the question. The government has recently announced its release of the sustainable transport plan. I am pleased to say that this is the first time any territory government has established a transport plan to manage the growth and transport needs in the city and to set targets on shifting modal split in this city. It is the first time since self-government that any government has established such a strategy. Many Canberrans would ask, "Why do we need such a strategy? Why do we need such an approach?" Canberrans rate ease of getting around their city as one of the most valuable aspects of living here. Canberra is an easy city to get around, and to get around by private motor vehicle.

**Mrs Dunne:** Did you invite members to the launch of this strategy? Which members were invited to the launch of the strategy?

**MR CORBELL:** Quite clearly there is a need to make sure that, into the future—I would have thought the opposition would have been more interested in the content of the plan.

**Mrs Dunne:** There is no content. I want to know why I was not invited to the launch.

**MR CORBELL:** As a legislator and shadow minister, I would have thought Mrs Dunne would be more concerned about the content of the policy rather than whether or not she got an invitation. Quite clearly ego rules over the determination to deliver good public policy.

We can predict what will occur if we do not move to achieve more sustainable transport outcomes. This strategy firstly identifies targets that we will work strongly to achieve. By the year 2011 we want to see 20 per cent of all work trips in the ACT occurring by public transport, walking and cycling and, by 2026, we want 30 per cent of all work journeys occurring by public transport, walking and cycling. This is a significant step forward. This is what drives the plan overall. To achieve this vision we will have to work hard at recognising that arterial roads serve a purpose as much as investing in public transport, walking and cycling achieve a purpose.

The government will commit, as I have already announced, \$11 million worth of funding to progress these major priorities. It includes \$6 million to get to construction stage a major new rapid transit link between Belconnen and Civic. This will deliver Canberra's first dedicated intertown busway with railway-type stations; it will deliver real-time information and it will deliver a service which will link the key employment nodes between the city, the ANU, the University of Canberra and Belconnen town centre. On top of that there is \$900,000 to improve and develop a new busway between Gungahlin and Civic—a separate bus lane between Sandford Street and Northbourne Avenue. Later stages will include the development of new stations along Flemington Road and a

busway segment along Northbourne Avenue. We have also allocated an additional \$80,000 for detailed design.

This government is about making sure we get it right, making sure that we do the design and the detailed work so that, when we are ready to construct, those issues have been resolved. Busways can work very well. I would encourage members who have not seen them to travel to Brisbane to look at the busway projects that are in place there. These busways deliver very effective rapid transit public transport connections. The busway-type stations lay down the physical connection we will need at a later stage to develop light rail. These busways will be an important part of our policy and we have invested the money to start making it happen. In addition the government has announced a range of other initiatives. These include bike racks on buses, a measure which has been roundly welcomed by organisations such as pedal power; an additional \$1 million into improving the missing links in our cycleways; and pedestrian ways to improve the viability of those forms of transport. This is a strong commitment by this government.

**MR SPEAKER:** The member's time has expired. Mr Hargreaves has a supplementary question.

**Mrs Dunne:** It's content free.

**Mrs Burke:** Talk, talk.

**MR SPEAKER:** Order! I call Mr Hargreaves.

**MR HARGREAVES:** Thank you very much, Mr Speaker. I was just wondering how much cackle I had to put up with in asking the question.

**MR SPEAKER:** Just come to the supplementary question, please.

**MR HARGREAVES:** My supplementary question, Mr Speaker, and I thank the minister very much for his response because I have been provided with much more detail than I had before—

**MR SPEAKER:** Are you going to come to the supplementary question?

**MR HARGREAVES:** Yes, I will, Mr Speaker.

**Mr Pratt:** He is just going to ramble on.

**Mrs Dunne:** It is not even a preamble; it is just a ramble.

**MR SPEAKER:** Order! Just come to the supplementary question, please.

**MR HARGREAVES:** Do you want to have another go, Mrs Dunne?

**MR SPEAKER:** Mr Hargreaves—

**MR HARGREAVES:** Thank you very much, Mr Speaker. With your indulgence, Mr Speaker, I will ask the supplementary—

**MR SPEAKER:** That's good.

**MR HARGREAVES:** It is really difficult to do so when there is laughter. Mr Speaker, my supplementary is: could the minister please advise the Assembly what other strategies are in that plan.

**MR CORBELL:** Mr Speaker, a very comprehensive range of strategies is in place. For example, we will move to achieve greater traffic signal coordination along our major roads so that the flow of traffic is more effective. We will continue improvements in infrastructure to provide for people with accessibility problems to access our buses and other public transport modes more effectively. Smartcard ticketing and SMS text messaging technology will be trialled to provide for more readily available information.

**Mrs Dunne:** You can get an SMS to tell you that it is 73 minutes until your next bus.

**Mrs Cross:** You have got to get a mobile phone to do that.

**MR CORBELL:** It is just amazing, Mr Speaker: this mob over here have been in opposition now for nearly three years but have they delivered any policy outcome when it comes to improving transport in Canberra? The answer is no. In addition, in the seven years they were in government, did they take any constructive steps to address the second most significant greenhouse gas contributor in our city, that is, greenhouse gas emissions contributed by the private motor vehicle? The answer is no. Seven years in government and not a thing for reducing private motor vehicle use. Then Mrs Dunne, the great misleader of the Assembly—

**MR SPEAKER:** Order!

**Mrs Dunne:** A point of order, Mr Speaker.

**MR SPEAKER:** Order! Resume your seat, Mrs Dunne. Withdraw that please, Mr Corbell.

**MR CORBELL:** I withdraw the comment, Mr Speaker. Mrs Dunne rants and raves and carries on. After seven years in government and 2½ years in opposition, all she can complain about is not getting an invitation. That is the substance—

**Mrs Dunne:** No. That goes to the character of the minister.

**MR CORBELL:** It is interesting, Mr Speaker, that she was still there.

**Mrs Dunne:** It goes to the character of the minister who would not invite anyone to his launch.

**MR CORBELL:** But the other measures—

**MR SPEAKER:** Order! Mr Corbell, please resume your seat. Members of the opposition will come to order. Mr Corbell, come to the subject matter of the question please.

**MR CORBELL:** It will be a pleasure to do so, Mr Speaker, and hopefully members will do me the courtesy of letting me outline what it is all about. The other elements of the transport plan include: extending off-peak period concessions and working to improve walking strategy, in particular through new urban design initiatives. As well, we have very valuable TravelSmart initiatives—something which has not achieved a lot of interest in this place. However, members would be interested to know that the government is now working in consultation with organisations such as real estate agents so that people moving into new parts of Canberra are given information on how they can structure and make more sustainable their travel choices.

For example, we are working with real estate agents in Belconnen, Mrs Dunne. We are targeting people who are moving into Belconnen for the first time. TravelSmart consultants are going out to those households, talking with the new house owners and taking them through what their travel options are; explaining to them what are the available bus services; explaining to them the walking and cycling routes that exist and how effective and easy they are to use. That sort of thing changes travel behaviour. It is a worthwhile investment, it is funded for in this budget in the measures I announced on Friday and it was also funded in last year's budget. So we are making that very significant move forward.

In addition, of course, there is the work around our bus interchanges. The government is close to finalising arrangements with the owners of Woden Plaza for the development of a new airport-style waiting lounge at the Woden bus interchange. We have announced funding for the design needed to demolish the old bus interchange and construct a new bus interchange as part of the Woden Plaza. Similar work is occurring at Belconnen.

So in all these measure you can see that the government has put in place a comprehensive strategy and backed it with the investment needed to get it going. This is a 25-year strategy but the savings to our community are considerable, with over \$400 million to be saved over 25 years through the implementation of this plan in terms of deferred road construction or cancelled road construction, health costs and environmental costs. That is the strategy the government has put forward: a comprehensive strategy, a funded strategy and one which all members should pay close heed to as we move forward in this very important debate about transport provision in Canberra.

### **Aged care accommodation**

**MRS CROSS:** My question is to the Chief Minister and is in relation to question No 1475, asked by Mr Cornwall, about a report due at the end of February on the future of aged care accommodation in the ACT. At the Council on the Aging national general meeting on 16 February, the case manager for older persons at COTA advised those in attendance that the aforementioned report into the future of aged care accommodation in the ACT would be available by the end of February.

Mr Cornwell subsequently inquired as to whether this report could be delivered to members of the Assembly, to which you replied: "The case manager is reporting to me regularly and continuing to maintain very strong communications with COTA and service providers. I am advised that there was no commitment made at the February meeting to a different form of report."

Chief Minister, I was at that meeting. I asked that question, and I reaffirm Mr Cornwell's assertion that the case manager advised me at that meeting, in front of 60 or 70 people, that a report would be out by the end of February reporting on the future of aged care accommodation in the ACT. In your response to Mr Cornwell, were you suggesting that your case manager for older persons accommodation at COTA misled the February 16 meeting, or are you implying that Mr Cornwell, I and people in attendance are making things up about the advice your case manager provided the meeting?

**Mr Hargreaves:** Mr Speaker, I rise on a point of order. My understanding is that there is a notice in the notice paper from Mr Smyth addressing this issue in technicality terms. I ask your advice on whether this question is out of order because the content of Mr Smyth's motion goes to this type of issue, and I would be grateful for your ruling. If it is not out of order, I will be very happy; I am just cautious that it may be.

**MR SPEAKER:** What number did you refer to?

**Mr Hargreaves:** It is the motion put by Mr Smyth, which does not have a number. It is not on the notice paper printed here, but it was delivered before 12.30 today and it goes to that sort of issue.

**Mrs Cross:** So it's not on the notice paper!

**Mr Hargreaves:** It's on the notice paper.

**Mr Smyth:** It's not on the notice paper!

**Mr Hargreaves:** Yes, it is!

**MR SPEAKER:** If it's not on the notice paper, it's not an issue. Chief Minister.

**MR STANHOPE:** I thank you for the question, Mrs Cross. In the response I provided to a question from Mr Cornwell, I relied on the advice that was provided to me by the department. The response I gave was prepared, as I recall, by the department, and I gave it on that basis. Mrs Cross, I am more than happy to investigate the concerns you raise today. I am very impressed with the work that the aged care consultant, Mr Ross McKay, is doing liaising with all of those in the community sector that are involved in the provision of aged care.

You will be aware that Mr Corbell and I jointly released a new way forward for the identification of land for aged care facilities and proposals and processes for ensuring that we have development ready land available so that we can remove the delays in relation to the identification and provision of land for such facilities.

In addition to that, much of the activity that is undertaken throughout Canberra in relation to the expansion of aged care beds and aged care facilities is in existing facilities. There are issues about the capacity of some of those organisations to find their way through the planning system and structures to deal with the acquisition of land, and there are very technical matters that community organisations are not best placed to deal

with. Mr McKay was appointed to assist all aged care providers in the ACT to advance their provision of additional aged care.

Mrs Cross, within an hour I am meeting with both Lincoln Hawkins and Ross McKay to discuss the very issue of your question. I will put the issues you raised to both Mr Hawkins and Mr McKay, and I will ask for a full explanation of the circumstances of the meeting and will report back to you and involve you in the outcomes of that meeting.

**MRS CROSS:** I thank the Chief Minister for his answer, and I have a supplementary question. Could you table that report to the Assembly on the future of aged care accommodation in the ACT at the next available opportunity? I was advised it would be provided to me and to those at the meeting when I instigated the question at the February COTA meeting.

**MR STANHOPE:** I will make those inquiries within the hour in relation to the statement that Mr McKay made and what it was he said or intended. To the extent that an impression was gained at the meeting that a report had been prepared and that it would be made publicly available, I will get to the bottom of that. As I say, that was not the advice that was provided to me. A report was prepared, under the aegis of Mr Corbell and me, on planning for the expansion of aged care facilities, and that document has been released and made publicly available.

**Mr Cornwell:** It's been a series of blank pages.

**MR STANHOPE:** Without responding to Mr Cornwell, I might just indicate that the fruits of that report, which has just been damned by Mr Cornwell, are in fact there for all to see. There has been significant progress across Canberra in a number of ways in identifying land for the expansion of aged care facilities and in assisting current aged care providers to expand their capacity to build and provide more beds and services for people requiring aged care in the ACT.

We are making significant progress. We're making it through the planning system, and we're making it in relation to the case management and through the assistance being provided directly by Mr McKay to providers. I am quite pleased with the progress, acknowledging that it is slow and there is real frustration for some providers and within some sectors about the speed with which they are able to progress their plans. Of course, some of those issues are not within the ambit of the government to resolve. Many of them go to financing and resourcing, and it is a bit much to expect that the government can immediately respond to the full range of issues that are an impediment to providers.

I need to establish exactly what report Mr McKay was referring to. I am concerned that—as reported by you, Mrs Cross, and Mr Cornwell—there were people who attended that meeting who came away with an impression, which has not been fulfilled. I certainly do not want that to persist. I am happy to find out exactly what was said and what was intended. I am happy to respond to the extent that I can and I am happy to talk to people and to you again.

## Emergency services

**MR STEFANIAK:** My question is to the Minister for Emergency Services. In today's *Canberra Times* you stated that you would be introducing an emergencies bill on Thursday. This would allow authorities to declare a state of alert to allow residents to be warned formally of a pending threat such as bushfire.

There was nothing to stop your government, other than apathy and incompetence, from warning the people of Canberra of the pending threat of the bushfires in January 2003. Indeed, the normal process for authorities in Northern Australia is to warn of the threat from cyclones if there is even the slightest chance of the cyclone causing damage. This is also the normal practice with bushfires elsewhere in Australia.

Minister, why is your government adding layers of bureaucracy and delay to what should be a very straightforward process of warning the community? Why do you not simply acknowledge that it was the incompetence and complacency of this government that stopped you from warning the people of Canberra about the threat from the bushfires?

**MR WOOD:** As we debate proposed legislation and as I reflect on years gone by, I see that at various times a great deal has been said about what Mr Stefaniak argues—without the hyperbole attached to it. Let us have a good debate when the bill comes before this Assembly. There is no problem in spelling out—it will be done simply in the legislation—processes we might undertake. Why not do that? Are you opposed to that?

**MR STEFANIAK:** I have a supplementary question. How will the introduction of a state of alert assist the process of warning the community in a situation where the ACT cabinet is warned of a 40 to 60 per cent chance of a declaration of a state of emergency? No-one asks about warning the community, and the Minister for Emergency Services considers it not sufficient to warrant delaying his leave.

**MR WOOD:** We can go back and re-argue all this, as we have for a long period, or, given the time constraint that this Assembly has imposed, we can debate it when the bill comes down.

*It being 3.00 pm, questions were interrupted pursuant to the order of the Assembly.*

## Appropriation Bill 2004-2005

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (3.01): Mr Speaker, I present Appropriation Bill 2004-2005, together with its explanatory statement, and the following supplementary budget papers in accordance with section 13 of the Financial Management Act 1996 and other associated budget papers:

Budget 2004-2005—  
 Financial Management Act, pursuant to section 10—  
 Budget Speech (Budget Paper No 1)

Budget at a Glance (Budget Paper No 2)  
Budget Overview (Budget Paper No 3)  
Budget Estimates (Budget Paper No 4)  
Supplementary Budget Paper—Framework for future budget presentation—  
Discussion paper.

Later this afternoon, I will be presenting the ownership agreements and the purchase agreements relating to all portfolios.

Title read by Clerk.

**MR QUINLAN:** I move:

That this bill be agreed to in principle.

Mr Speaker, it is my honour to rise today to deliver the 2004-05 budget for the Australian Capital Territory—the third budget of the first Stanhope government. The budget I deliver today demonstrates our continued commitment to responsible financial management into the next four years. It will complete three years of outstanding progress in the territory.

Mr Speaker, we value many things in our lives. Those things we value most are our families, our lifestyle and surroundings, and the strength and depth of our community. We aspire to a future in which we can grow up, or grow old, in the knowledge that our standard of living will be protected and enhanced. The growth of our economy and the strength of our budget are important for us to protect and promote our values both now and into the future.

This budget continues to deliver on this government's policy objectives. This budget very clearly demonstrates this government's commitment to our people, our economy and our surroundings. These principles are clearly identified in the Canberra plan and its three subplans—the social plan, the economic white paper and the spatial plan.

We are continuing our commitment to the quality of basic services—housing, health, education, and community safety.

And, Mr Speaker, this is a budget in surplus, with no major asset sales, no new borrowings for general government purposes and no new taxes.

Mr Speaker, this budget is a commitment to our future. Rather than delivering a typical election budget, this government has planned for, and is working towards, a sustainable future for the territory. We have delivered on this commitment today. This is a budget based on sustainability.

Mr Speaker, the first three budgets of the Stanhope government have encountered both positive and negative influences. There have been short-term windfall gains that cannot be relied upon to repeat themselves into the future, but have built up expectations. There have been negatives in the global influences on investment revenues and declines in federal funding through the grants commission reviews. Of course, there has been the horrendous impact of the bushfire of 18 January 2003.

We have managed, and I think managed very well. While there will no doubt be more challenges to come, the government feels strong and the economy has never been stronger than it is today.

Mr Speaker, many people will remember in the lead-up to the last election the predictions of economic doom should Labor be elected. Our opponents declared that Labor would “blow the bankcard” and that “black holes” would suddenly appear in the territory’s finances.

Mr Speaker, I recommend reference to the balance sheet and I recommend reference to the accumulated initiatives of this government. Rest assured that, in this election year, we will catalogue all the commitments we made three years ago and the record of delivery on those commitments.

Yes, we have invested in planning, but we have also taken action on very many fronts.

Mr Speaker, the 2004-05 budget will be in surplus. The general government sector operating result for 2004-05 is estimated to be \$7.9 million. The general government sector operating result for 2003-04 is estimated to be \$92.8 million.

We continue to achieve our fiscal strategy outlined before coming to government of an aggregate surplus over the four-year timeframe from 2002-03 to 2005-06. This budget delivers on this strategy, with an aggregate government surplus of \$229.4 million.

Mr Speaker, the forward estimates do predict a deficit in 2005-06 of \$25.9 million. This is in large part driven by changes in the timing of land sales and the method of delivery. The budget is forecast to return to surplus in 2006-07. This government has cemented its credentials in financial and economic management. We have proven the doomsayers completely wrong.

### **Employment and the economic outlook**

Mr Speaker, I turn now to the economy. This budget has been framed in the expectation of a marginal slowdown in the rate of ACT economic growth this year, returning to solid rates of growth in 2004-05 and future years.

While our economy outperformed the national economy last year, our growth is expected to lag national growth for the next few years, reflecting the fact that the national economy benefits far more from improving agricultural conditions and increasing global demand for Australian exports.

Mr Speaker, the interest rate rises of late last year have taken effect. The rate of growth of household consumption in the ACT has slowed somewhat and the number of properties turned over in the ACT will fall.

The gap between the value of property turnover in the ACT and housing finance commitments has narrowed, a sign that interstate investor speculation in the property market is softening and activity in the residential market is returning to a more normal and sustainable level. Changes in our taxation regime may well stimulate further activity.

The value of building work in the pipeline still remains at historically high levels and the ACT construction industry will remain busy over the forecast period.

Mr Speaker, employment growth has been lower than expected this year, yet the number of job advertisements in the *Canberra Times* newspaper, as reported by the ANZ bank index, reached a record high in March 2004. Employers are having difficulty in filling vacancies and, with strong job growth at the national level, it continues to be difficult to attract strong rates of interstate migration.

Employment opportunities are forecast to remain strong in the territory and will continue to test the capacity of the local labour market.

### **Commonwealth-state financial relations**

Mr Speaker, the territory will continue to receive a positive per capita share of the GST funding pool and its distribution will continue to be based on the prevailing horizontal fiscal equalisation principle.

The release of the Commonwealth Grants Commission's 2004 review report on 3 March 2004 finalised a five-year review of the underlying assessment methods used to distribute GST funding.

The outcome again confirmed the strong grounds for the territory's greater than equal per capita share, which is primarily due to our limited revenue sources relative to most other states, our diseconomies of scale, and the cost of cross-border services and national capital impacts.

The commission's report recommended a decrease in the territory's GST relativity from 14.9 per cent in 2003-04 to 12.9 per cent above an equal per capita share in 2004-05. While the reduction is disappointing, the result represents an element of good news as the territory will still receive \$82.5 million more than it would if GST was distributed on a strict per capita basis.

What is particularly pleasing is that a number of arguments put forward by the territory to the commission were accepted and, had this not been the case, the territory would have incurred a much larger reduction, as proposed by larger jurisdictions like New South Wales and Victoria throughout the review. Those larger states have been pressing for a complete change in the methodology for the redistribution of GST revenues—a change that would hit smaller states and territories very hard.

The Commonwealth, in light of majority support from the states and territories, accepted and endorsed the commission's relativity recommendations and agreed that the current principles for funding distribution will remain in place, even though there will be an examination of procedures. This bodes well for the territory's future share of GST funding.

There is increasing concern among the states and territories at the increasing propensity for the Commonwealth to place conditions on grants and for federal ministers to push for

cost shifting to the states and territories, using growth in GST revenues as their rationalisation of the process. This amounts to the federal government reneging on the provisions of the intergovernmental agreement that was a prerequisite of the introduction of the GST, which was promised as a growth tax.

## **Housing**

Mr Speaker, traditionally the territory has enjoyed high housing affordability, due to relatively high incomes, a higher participation rate, and a lower unemployment rate. However, due to the confluence of a number of factors, the housing market has experienced unprecedented sustained growth over the past few years, both in activity and in prices. Ironically, high affordability due to low interest rates and high incomes has stimulated demand to such an extent that some members of our community have been excluded from home ownership.

In recent years, successive Commonwealth governments have made significant changes in policy that will have an impact on people's ability to buy a home, pay rent, or invest in a rental property. The ACT government, along with the other state governments, has called on the Commonwealth government to work jointly towards the development of a national housing policy.

Mr Speaker, we continue to hope that the Commonwealth will take a lead role in this important national task. However, the recently concluded Commonwealth-State Housing Agreement does not appear to provide great comfort in this regard. Once again, funding to the states and territories has been reduced in real terms, along with considerable cost shifting to the states. This is not a good signal. Public housing remains the most viable and economic housing option for some of the most vulnerable in our community.

Mr Speaker, notwithstanding this, our government has worked hard and developed a comprehensive package of measures to alleviate housing stress. Following the report of the affordable housing task force, the 2003-04 budget provided \$13.4 million to respond to homelessness, and \$3 million to enhance the community sector's capacity.

Appropriation Bill 2003-2004 (No 3), which is in front of this Assembly, provides a further \$33.2 million for public housing, Aboriginal housing and community housing.

Mr Speaker, this budget provides further measures in the package, at an estimated cost of \$63.6 million over four years, targeted at alleviating housing stress and improving housing affordability.

Additional funding of \$1.6 million is provided over four years for emergency accommodation, a further \$20 million over four years for public housing, and changes have been made to eligibility criteria for stamp duty concessions for first home buyers and reducing the tax burden on rental properties.

Recently announced changes to stamp duty concessions for first home buyers and to land tax on investment properties should contribute significantly to the capability of families to achieve home ownership and to the availability of rental accommodation.

Mr Speaker, the revenue forgone for these initiatives is estimated at \$10.5 million annually. These are socially and economically responsible measures that are funded from within budget, rather than through any new taxes, as was so firmly predicted by the Leader of the Opposition.

### **Education**

Mr Speaker, this government has a strong commitment to education. Since coming to government, \$27 million has been injected into education for projects within the school gate. This budget provides additional funding in excess of that commitment. In 2004-05 alone, additional funding of more than \$5.2 million is to be provided.

A further \$10 million has already been included in the 2003-04 supplementary appropriation bill for the first stage of the teachers' wage negotiations, which are not yet finalised.

This government has already implemented significant initiatives, such as the reduction of class sizes for kindergarten to year 3, provided laptops for teachers, introduced youth workers in government high schools, and enhanced the curriculum renewal projects.

The 2004-05 budget allocates an additional \$22.8 million across four years to government and non-government schools.

This delivers on the commitment made in the social plan to lead Australia in education, lifelong learning and training, and the economic white paper to ensure that schools are resourced to deliver ICT skills to students.

Of this, Mr Speaker, \$11 million will be provided over four years to improve information technology and communication services to students and to schools. This will provide for 20 new technical staff to work across ACT schools, freeing up the capacity of teachers and administrative staff who currently maintain IT school networks.

In addition, government schools will have increased capacity, on a shared cost basis, to purchase and upgrade ICT resources, including hardware, software, and communications and related facilities.

Further, security and accessibility of the government school IT networks will be enhanced by upgrading websites and the introduction of a student digital pass key.

Funding is also provided for the connection of all non-government and government schools to broadband internet services.

The non-government school sector will also receive grants to the value of \$2.5 million over four years to improve student information and communications technology.

The budget also provides \$4.1 million over four years to inject into much needed school maintenance; \$4.3 million over four years to enhance services for students with a disability; and \$1.5 million over four years to improve health services in schools.

Vocational education and training receives \$9.5 million over four years for the introduction of a training pathway guarantee for school leavers and additional resources to meet the increased demand for apprenticeship and trainee places in the territory.

## **Health**

Mr Speaker, this is another strong budget for health. This budget demonstrates the government's continued commitment to the Canberra social plan objective of improving the health of all Canberrans.

An impressive \$11.4 million over four years is provided for three additional beds in the intensive care unit at the Canberra Hospital. The funding will also provide for support services. This will reduce elective surgery cancellations due to demand for emergency intensive care.

Elective surgery is also boosted, with \$17 million over four years to add a further three surgeons to the roster. Capacity will be increased over the winter peak period, with \$1.26 million provided over the next four years.

Cataract and joint replacement surgery will increase by approximately 190 per annum, with \$4.153 million over four years.

The home and community care program will receive \$3.384 million over four years. The program supports an increasing number of aged people to remain at home to prevent inappropriate or early admission to nursing homes. It also assists young people with a disability.

Drug and alcohol programs are boosted, with \$1.62 million over four years. This includes \$562,000 over four years to identify and implement school education alcohol and drug programs. Other initiatives include compliance testing and education regarding tobacco sales and the development of clear protocols for a case management framework across alcohol and other drug services.

Mr Speaker, mental health is a key priority area for the government. The budget provides \$1.373 million over four years for suicide prevention. The budget provides another \$624,000 over four years to the Gungahlin outreach service for child and adolescent mental health services.

Mental health forensic services will be expanded with the establishment of a forensic community case management team. Funding of \$300,000 will support a specialist clinical management team to provide specific mental health services for clients who have been released by the courts back into the community. Magistrates will now have for the first time options outside the Belconnen Remand Centre and the psychiatric services unit for some clients who have offended and are diagnosed with a mental illness.

A further \$60,000 has been provided for a feasibility study into the viability of an adolescent inpatient facility for the ACT.

The budget also includes \$22.213 million over four years for the operation of the new subacute facility that is to be opened in 2005-06. The 60-bed facility also includes beds for psychogeriatric patients.

Mr Speaker, this budget provides additional health funding in 2004-05 alone of over \$13 million, and more than \$8 million from growth funds, to make a total of \$21 million, and this does not include capital works.

Over the past three budgets, initiatives funding for health, including growth funds, totals over \$117 million.

### **Disability**

The government will commit a further \$5.75 million over four years, \$1.25 million in the first year, to support people with disabilities in the ACT. The funding will provide direct support to people with disabilities who have unmet needs and assist them to create stronger links to the community.

This government has committed \$830,000 over four years, including \$200,000 in 2004-05, to support the implementation of the caring for carers policy. The policy seeks to recognise, value and promote the role of the territory's 43,000 carers, as well as provide timely, accessible and effective support to assist them in their caring role.

A specialist intensive care and treatment program will be established in the territory for young people who have an intellectual disability and a mental dysfunction. This program will target young people between 17 and 25 who may "fall between the cracks" because their disabilities have not been properly supported and who in some cases end up before the ACT courts and in our correctional system. Almost \$3.5 million is provided over four years to support this initiative.

Therapy ACT's autism assessment and support services will be expanded, with the focus on an autism support service that assists families of children newly diagnosed with autism. Funding of \$1.63 million has been allocated over four years for this service.

### **Our people, our community**

In our social plan we highlighted our intention to ease the financial pressures facing individuals and families on low incomes. On 11 March 2004, I announced funding of \$318,000 for 2003-04 and indexed across the budget and forward estimates for concessions payments for electricity, water and sewerage. This meets the cost of the introduction of full retail contestability and increases in other utility charges.

Mr Speaker, the budget continues this commitment with the introduction of a streamlined energy concession that allows for a concession of up to \$189.11 per annum for gas and electricity. This gives our community choice in energy, and removes an inconsistency that has disadvantaged many of our community.

This energy concession will commence on 1 July 2004, with funding of \$3.6 million over four years provided for this initiative.

The government will provide \$1 million in its 2004-05 capital works program to construct a new community purpose hall in Palmerston. Gungahlin is the fastest growing area in the ACT, currently at 11.1 per cent per annum, and the government is firmly committed to developing new facilities in the district that can properly service this growth.

Mr Speaker, this budget provides new funding of more than \$16 million over the next four years to programs aimed at increasing the quality of life of the ACT's senior citizens.

### **Children and family**

Mr Speaker, the importance of our children can never be overstated. The social plan recognised this, in particular in two of its flagship commitments of child and family centres and caring for our children and young people.

Mr Speaker, in this budget we allocate \$45 million across five years, including 2003-04, for protecting our children. Much of this funding will provide for extra substitute care days, which have increased in both number and cost over the past four months. We will also increase the number of child protection workers to respond to the growing caseload and number of children in need.

The government also recognises the invaluable work that foster carers do in our community. Additional funding of \$1.5 million over four years will provide additional support for our carers.

We are also increasing resources for youth justice. Caseloads will be reduced, which will improve the capacity to provide intensive case management and increase the focus on early intervention.

The supplementary appropriation provided funding for the child and family centres.

Planning for the first centre at Gungahlin is well under way. It will provide a range of health, education, parenting and family support services.

### **Indigenous community**

Mr Speaker, the situation of the indigenous community in the territory has always been something that Labor has worked hard to improve. The government is extremely proud to say that this budget provides many forward thinking indigenous initiatives, particularly around children, health and justice.

Support for indigenous students in government schools will be increased, with a further \$1.6 million provided over four years. The program will enhance student engagement with learning and retention at school, with a particular focus on literacy and numeracy.

Koori preschool programs will increase to five sites, with multiple sessions per site. The initiative will enhance the social, emotional, literacy and numeracy development of

indigenous children from birth to six years of age. Recurrent funding of \$214,000 indexed is provided to support this extension.

Recurrent funding of \$75,000 has also been provided for Jumby Mulla, an indigenous-managed family support service in the north of Canberra, administered through the Billabong Aboriginal Corporation. This will assist in providing indigenous family support services in north Canberra.

An indigenous foster care service will be established to provide support to deliver positive outcomes for indigenous children in foster care. Funding of \$453,000 has been allocated over four years.

Mr Speaker, this budget establishes the first Aboriginal justice centre in Australia. The centre will provide a coordinated approach to Aboriginal and Torres Strait Islander justice programs and services in the territory through a one-stop shop for justice.

Mr Speaker, in line with our commitment to integrated services to address Aboriginal disadvantage, a total of \$2.305 million over four years is provided to fund health initiatives.

### **Arts and culture**

Mr Speaker, this is an exciting budget for the arts.

Funding of \$14 million is provided over two years for the Civic library and link project.

The arts funding program also receives a significant boost, with \$2.4 million increased funding over four years. This will support arts in the ACT through both multiyear funding for organisations providing key arts infrastructure and project funding for one-off activities.

Additional funding of \$4.175 million has been allocated for the construction of the Kingston powerhouse glass centre. The funding will allow for the adaptive reuse of the powerhouse as a glass centre, again supporting sustainability. A further \$1.636 million over four years has also been provided for the centre's operation.

The upcoming budget will include funding of \$200,000 to undertake design work for an arts and cultural facility in Belconnen, and additional funding for the construction of a new library at Kippax.

### **Sport and recreation**

In March this year the government reinstated the women in sport component of the government's plan for women policy to provide greater support for the choices that women want to make in their lives.

As members would be aware, in June 2002 this Assembly passed legislation to trial a scheme to encourage licensed clubs to contribute more to the benefit and enhancement of women's sport in the ACT. The trial has succeeded and the scheme will now become permanent.

The budget provides \$1.6 million in the capital works program for Manuka Oval, which will provide improved spectator comfort with undercover seating for an additional 4,000 fans. Manuka Oval celebrates its 75th birthday this year. It remains a key facility for both AFL and cricket, hosting a large number of community and elite level events each year.

The government continues to try to find a sustainable site for the establishment of a dragway within the territory. There are major difficulties with all potential sites, not the least being noise control regulations. Nevertheless, there has been \$8 million set aside in the capital budget to fund the facility once siting problems have been resolved.

Canberra's elite teams continue to receive substantial government support, as does the very successful ACT Academy of Sport. Sport at all levels has received, and will continue to receive, operating and capital grants to ensure that sport at the grassroots level continues to thrive.

The government has introduced an actively ageing program which has attracted many willing participants and will be extended through further funding in 2004-05. Funding of \$383,000 is provided for this purpose.

### **Women**

Mr Speaker, a women's budget statement is contained in this budget. This is a result of the work of the Assembly select committee's report on the status of women in the ACT.

Many of the initiatives announced in the budget will have a positive impact on women, such as the major announcements in housing, health and education which directly and positively benefit many women. There are also some specific announcements.

Commencing on 1 July 2005, employers who provide full-time and part-time paid maternity, adoption and/or primary care giver leave will be eligible for a payroll tax exemption. This exemption is for a maximum of 14 weeks and applies to paid maternity, adoption and/or primary care giver leave.

The government's commitment extends to other initiatives, such as establishing a women's grants program, increasing the number of specialist breast cancer nurses, and funding scholarships for company directorship courses for women.

A feasibility study will also be completed on work-based childcare for our employees.

### **Law and community safety**

Mr Speaker, the budget demonstrates the government's commitment to increasing the number and range of resources available to protect and assist our community.

Over the past three budgets, this government has provided over \$37 million for policing, for a combination of both police numbers and wages and administrative costs.

We will fund 10 new police in 2004-05 and an additional 10 in 2005-06 at a cost of \$7.7 million over four years. This will make a total of 40 new police officers since the government was elected.

A program of reducing property crime will address property offending with the provision of intensive responses to recidivist and high-risk property offenders, at a cost of over \$1.3 million per annum.

The budget provides more firefighters, ambulance paramedics and operational support staff, and long-term funding to ensure the services are better equipped, better trained and more strategically deployed to meet the needs of the ACT community.

The government is investing in more effective organisations, more people, more training, and proven technical solutions in a manner that builds on the recommendations of the McLeod report.

This government will increase the emergency services budget by over \$12 million annually.

The budget provides for the establishment and ongoing operation of a new, independent emergency services authority with broad powers to protect and preserve life, property and the environment in the ACT.

The budget supports the creation of a new joint emergency services training academy to ensure a high and consistent capability level across the services and provides for a feasibility study and forward design of the proposed academy.

There will be 24 new firefighter positions to support the ACT Fire Brigade's capability to deal with hazardous materials and chemical, biological and radiological threats and 12 new positions to maintain service continuity.

In addition, the budget provides 19 new positions in the ACT Ambulance Service to improve response capability and reduce the need for overtime within the current service.

Mr Speaker, the budget takes into account the important role of local residents in protecting their community. The budget provides \$420,000 to more than double the size of the ACT Fire Brigade's community fire unit program. Twenty additional units will be funded in this budget.

### **Building our economic future**

Mr Speaker, the 2004-05 budget is significant for our business community. In December last year the government laid out its long-term economic development strategy in the form of the economic white paper. This strategy has been applauded by business both here and in other jurisdictions. It is actually in reprint.

The four strategic themes of the economic white paper are: supporting business; capitalising on competitive advantage; leveraging intellectual assets; and supportive planning and infrastructure.

There are 47 actions in the white paper, each linked to the four strategic themes—actions the government has firmly committed to implement. A number of key actions have already been progressed. Others are included in this budget.

Mr Speaker, I am delighted to announce that the budget will provide \$14.4 million in new funding to implement key economic white paper actions under the supporting business strategy.

This will be directed principally at extending and enhancing the suite of enterprise development programs on offer to the territory's companies and institutions. Funding is provided to the knowledge bank—\$8 million over four years—and to a range of programs to help grow burgeoning enterprises and export potential.

Since its inception, the knowledge fund has provided grants totalling \$4.2 million to 73 territory businesses, leveraging a further \$18 million in business investment and creating 415 jobs.

Other initiatives embrace a range of support and encouragement to innovation and enterprise. These include mentoring services, an export growth program, the small business employment ready program, a business acceleration program and participation in the Australia-wide industry capability network.

An office of film, television and digital media will be established, as will the office of small business commissioner.

These are strong and tangible messages of commitment to our business community, and in particular to our 20,000-plus small businesses which form the backbone of the territory's private sector.

The government has already brought forward legislation to implement commitments in the economic white paper. They include the establishment of a commercialisation fund to attract investment capital and commercialisation skills to the ACT, and a grant of \$10 million to the University of Canberra to support the construction of new facilities in the school of health sciences.

The government's overriding objective is to create a dynamic business environment that supports and encourages innovation and capitalises upon the competitive advantage embodied in our companies, institutions and people.

Government programs, and the stimulus and direction they provide, are an integral part of this overall environment.

### **Tourism**

Mr Speaker, tourism is a significant and growing contributor to the ACT economy. As noted in the economic white paper, around 1,000 local businesses and around 11,000 local jobs are sustained by tourism activity in our economy.

Mr Speaker, I am pleased to announce that this budget provides the single largest continuing contribution to tourism marketing and promotion since self-government.

This budget provides a total of \$28.2 million over four years to support tourism marketing and promotion in the ACT. This includes \$12.2 million over and above the \$4 million per annum forward commitment that the government has already signalled.

The government's investment in tourism is already delivering strong returns for the ACT economy.

The Bureau of Tourism Research's figures for the second half of last year show that the territory has recorded a significant increase in domestic and international visitor numbers.

These impressive results are not just due to a general improvement in the tourism market. We have achieved these results through better targeting of key markets, such as the spring into Canberra campaign, a major autumn promotion in Sydney, campaigns in Adelaide and Perth and the introduction of the new see yourself in Canberra brand.

Australian Capital Tourism's focus for the next four years will be to continue the increase in visitation by extending the roll-out of the see yourself in Canberra brand into new, untapped markets, and other seasonal marketing activities.

### **Bushfire recovery**

Mr Speaker, the task of bushfire recovery continues. The government's investment in responding to the January 2003 bushfire has been significant. Additional funding of \$37.9 million was provided during 2003-04 to implement the recommendations of the McLeod report and to further support the recovery and rebuilding efforts.

The budget provides an additional \$34.2 million to bring the government's total funding for bushfire expenses to \$122.6 million over the five-year period from 2002-03 to 2006-07.

By the end of 2003-04, it is estimated that \$87 million will have been spent.

Over and above the recovery and rebuilding programs, the territory will reinvest the insurance returned on the forest losses to undertake \$52.5 million of works.

### **Capital works**

Mr Speaker, this budget contains an ambitious capital works program. This is a program to be delivered over the next three years. The value of new works is \$329.9 million.

This significant investment is balanced between ongoing maintenance of existing assets and the provision of new infrastructure in line with community needs.

This budget funds many exciting projects—the construction of the prison, the upgrade of the convention centre, gymnasiums for Melrose and Belconnen high schools, and a renal

dialysis satellite on the northside, to mention just a few. Funding of \$8 million is provided for the dragway.

This program also includes significant funding for forward design projects to allow a number of other significant projects to be completed to design stage, such as the Gungahlin East primary school and preschool, Majura Parkway and the Harrison district playing fields and pavilion.

Other projects have been augmented, such as the extension of Quamby, Birrigai, Kippax library, the ANU medical school, and the psychiatric secure unit at the Canberra Hospital.

Mr Speaker, the traffic congestion and road safety program continues with a total of \$27 million committed in 2004-05, with Morshead Drive from Pialligo to the airport and the Fairbairn Avenue upgrade to be completed in the budget year.

### **Revenue**

Mr Speaker, this budget contains no new taxes.

The increase in taxation revenue expected for 2004-05 is primarily due to economic growth that in turn is partially offset by a reduction in conveyancing revenue, following a return to stability in the property market.

Residential conveyancing transactions in 2003-04 decreased in comparison with the high level experienced in 2002-03. Residential transactions are expected to further reduce in 2004-05; however, an increase is reflected in the estimates for 2005-06.

Mr Speaker, the total revenue from rates will be limited to that received last year, increased by 2.7 per cent reflecting CPI. Some minor changes will, however, be made.

The rate-free threshold applying to all rateable properties will be increased from the historical \$19,000 to \$21,500 in recognition of the underlying increase in property values.

The fixed charge element will increase by \$10, or CPI, to \$330. This will reduce, a little, the volatility associated with fluctuating property values.

Finally, the maximum limit of the pensioner concession rebate will be increased from \$250 to \$305 for pensioners who have entered the scheme since 1997.

These changes will enhance equity and provide relief from the rate burden where it is most needed.

And, as I have already discussed, this budget introduces changes to stamp duty and the land tax system and we expect to achieve very positive results.

## **Budget reform**

Mr Speaker, the government maintains its commitment to prudent financial management and accountability.

This budget has not merely been about just adding to the bottom line of the budget, and to the cost base, without considering the existing level of sustainable resources that are already provided to government departments.

Most agencies have been asked to make savings in this budget. A modest savings target of \$6.2 million will be achieved in 2004-05, rising to \$6.9 million by 2007-08. Departments will achieve these savings primarily through administrative and overhead restructuring.

The territory's budget mid-year review was released for the first time in February this year. This budget has also been framed taking account of the changes to the Financial Management Act relating to fiscal responsibility.

The government has responded to the request of the Public Accounts Committee to include reporting on bushfire expenditure in its quarterly reports.

Mr Speaker, I also release with these budget papers a supplementary paper on possible changes to the future budget framework and presentation. This paper focuses heavily on sustainability and on how the principles of sustainability can be driven through future budgeting and reporting. This paper is released for consultation.

## **Sustainability and the environment**

Mr Speaker, I am pleased to announce that the 2004-05 budget is yet another strong budget which continues the Stanhope government's commitment to sustainability and the environment.

This budget provides significant funding commitments for the sustainable transport plan. Funding of \$6 million over two years is provided in the capital works program for stage 1 of the sustainable transport initiative. This will provide a bus corridor between Belconnen and Civic.

A further \$900,000 is provided for the Gungahlin to Civic corridor high occupancy vehicles priority measures. Bike racks will also be installed in ACTION buses on intertown route services. A concept design will also be undertaken on a real-time passenger information system for the interchanges.

An additional 10 express ACTION services will be initiated from selected outlying suburbs at peak hours on weekdays, reducing travel time and making public transport more attractive and effective for the community.

Mr Speaker, the Stanhope government has a strong commitment to pursuing sustainability.

The capital program includes a sustainable infrastructure program of \$4 million to supplement capital projects to enhance their environmental performance and sustainability. Such projects may include upgrades of older schools, development of community facilities and refits of office accommodation.

We will increase energy efficiency and pursue water reduction and reuse, alternative energy sources and other activities that can deliver cost-effective enhancements and environmental performance.

The Office of Sustainability's budget will be increased by \$373,000 over the next four years. This will enhance the office's ability to provide detailed assistance on specific sustainability initiatives, including water, transport and large infrastructure projects, and to assess the sustainability of proposals coming forward. The office will also produce a regular report to the community on progress towards sustainability in the territory.

Funding of \$1.2 million over four years is also provided to implement the 2004 greenhouse strategy initiative. This supports community engagement aimed at reducing greenhouse gas emissions from the residential sector. The energise your home program will provide an energy efficiency audit service for existing homes and financial assistance with the introduction of approved energy efficiency improvements.

Mr Speaker, the territory will use partnerships with external research organisations to bring together and promote research priorities identified as essential to conservation management and the long-term recovery of ACT threatened species. Recurrent funding of \$140,000 indexed has been provided for this initiative.

Continuing the government's effort of landscape renewal following the bushfire, the riparian habitat recovery initiative will receive funding of \$318,000 per annum for the next three years. Greening Australia will be engaged in the rehabilitation of rivers, streams and degraded drainage lines. Riparian green teams will be developed to focus and encourage community involvement in the renewal work.

Improved catchment management will also receive a boost, with \$816,000 over four years for better coordination of catchment management measures.

## **Conclusion**

Mr Speaker, to sum up, this budget contains a general government sector surplus of \$7.9 million in 2004-05, no new taxes, no major asset sales and no new general government borrowings. It is a budget that will retain our AAA credit rating.

The budget contains new recurrent spending of \$96.4 million in 2004-05 and a record capital works programs of \$329.9 million, with a significant emphasis on projects that will run over the next three years.

The budget funds a number of major commitments from the social plan, the spatial plan and the economic white paper. It includes an aggregate surplus of \$229.4 million over the four-year cycle of our original strategy, from 2002-03 to 2005-06, and an aggregate surplus of \$42.4 million over the four years of 2004-05 to 2007-08.

This is a strong budget. This is a budget based on sustainability.

This is a budget that is fiscally responsible and socially responsible.

It is a budget that continues to deliver on our commitments.

This is a budget that I am proud to commend to the Assembly.

Before I resume my seat, Mr Speaker, I wish to thank very much the Treasury officials and all of the other departmental officials who have worked so very hard on this budget. This is my third budget and the support that I have received from the ACT Treasury has been nothing short of fantastic and certainly above and beyond anybody's expectations. The number of hours worked was incredible and the dedication of the people concerned would have to be witnessed to be believed.

I would also like to commend our own publishing services, which work at the end of this chain and which have also worked so very hard to put together this budget. If you find a typo or two, please forgive them as they really have worked above and beyond their duty.

I commend the budget to the Assembly.

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

## **Executive contracts Papers and statement by minister**

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

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

### Long term contracts:

- Colin Adrian, dated 2 December 2003.
- James Ryan, dated 2 April 2004.
- Neil Tothill, dated 30 March 2004.
- Bronwen Overton-Clarke, dated 13 August 2003.
- Ian Hubbard, dated 17 July 2003.
- Maureen Sheehan, dated 14 February 2004.

### Short term contracts:

- Michael Harris, dated 24 March 2004.
- Lincoln Hawkins, dated 19 April 2004.
- Lincoln Hawkins, dated 19 April 2004.
- Anne Thomas, dated 5 February 2004.
- Martin Hehir, dated 23 March 2004.
- Martin Hehir, dated 14 November 2003 and 17 February 2004.
- John Meyer, dated 2 April 2004.
- Maureen Sheehan, dated 20 October 2003.

Maureen Sheehan, dated 26 March 2004.  
Frances Brown, dated 2 April 2004.  
Helen Fletcher, dated 23 October 2003.  
Bernadette Maher, dated 16 October 2003.

Schedule D variations:

Robert Tonkin, dated 8 March 2004.  
Megan Smithies, dated 16 March 2004.  
John Thwaite, dated 25 March 2004.  
Michael Castle, dated 7 April 2004.  
Anne Thomas, dated 19 April 2004.  
Meredith Whitten, dated 16 April 2004.  
Michael Bateman, dated 19 April 2004.  
Stephen Finn, dated 16 March 2004.  
Yvonne Kachel, dated 21 February 2004.  
Helen Strauch, dated 7 April 2004.  
Stephen Bramah, dated 17 February 2004, together with a performance report.  
John Meyer, dated 1 April 2004.  
Garrick Calnan, dated 1 April 2004.  
Paul Lewis, dated 18 March 2004.

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

Leave granted.

**MR STANHOPE:** I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 30 March 2004. Today I present six long-term contracts, 12 short-term contracts and 14 contract variations. The details of the contract will be circulated to members.

## Papers

**Mr Quinlan** presented the following papers:

### **Ownership agreements**

2004-2005 Ownership agreements between the Treasurer and the Chief Executive and Executives from the following agencies:

ACT Forests, dated 28 April 2004.  
ACT Health, dated 28 April 2004.  
ACT Planning and Land Authority, dated 29 April and 30 April 2004.  
Chief Minister's Department, dated 30 April 2004.  
Department of Disability, Housing and Community Services, dated 23 April and 28 April 2004.  
Department of Education, Youth and Family Services, dated 28 April 2004.  
Department of Justice and Community Safety, dated 28 April 2004.  
Department of Treasury, dated 29 April and 30 April 2004.  
Department of Urban Services, dated 29 April and 30 April 2004.  
Emergency Services Authority, dated 27 April and 28 April 2004.  
InTACT, dated 27 April, 28 April and 30 April 2004.  
Occupational Health and Safety Commissioner, dated 27 April and 28 April 2004.

### **Statements of Intent**

Financial Management Act, pursuant to section 58—

ACT Gambling and Racing Commission, dated 23 April and 28 April 2004.

ACT Health Promotion Board, dated 28 April 2004.

ACT Insurance Authority, dated 22 April, 23 April and 28 April 2004.

ACTION Authority, dated 28 April 2004.

ACT Public Cemeteries Board, dated 28 April 2004.

Australian Capital Tourism Corporation, dated 27 April and 28 April 2004.

Australian International Hotel School, dated 23 April, 28 April and 30 April 2004.

Canberra Institute of Technology, dated 23 April and 28 April 2004.

Cultural Facilities Corporation, dated 28 April 2004.

Exhibition Park in Canberra, dated 28 April 2004.

Independent Competition and Regulatory Commission, dated 27 April and 28 April 2004.

Legal Aid Commission, dated 28 April 2004.

Office of Public Trustee, dated 28 April 2004.

Stadiums Authority, dated 23 April and 28 April 2004.

Workers' Compensation Supplementation Fund, dated 27 April and 28 April 2004.

### **Financial Management Act—transfer of appropriations Paper and statement by minister**

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

Financial Management Act, pursuant to section 14—Instrument directing a transfer of appropriation from the ACT Planning and Land Authority to the Department of Urban Services to, including statements of reasons, dated 31 March and 20 April 2004.

### **Paper**

**Mr Corbell** presented the following paper:

Calvary Public Hospital—Information Bulletin—Patient Activity Data—External Distribution—March 2004.

The Canberra Hospital—Information Bulletin—Patient Activity Data—March 2004, which documents were circulated to members when the Assembly was not sitting.

### **Land (Planning and Environment) Act—leases Paper and statement by minister**

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

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 January 2004 to March 2004.

I ask for leave to make a brief statement.

Leave granted.

**MR CORBELL:** Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land.

The schedules I now table cover leases granted for the period 1 January to 31 March 2004. During the quarter, seven leases were issued by direct grant. All seven were granted to the Commissioner for Housing in the ACT at no cost. For the information of members I have also tabled two other schedules, relating to approved lease variations and change of use charge payments received, for the same period.

## Papers

**Mr Wood** presented the following papers:

### Performance reports

Financial Management Act, pursuant to section 30A—Quarterly departmental performance reports for the March quarter 2003-2004 for the following departments or agencies:

ACT Health.

Attorney-General's portfolio within Department of Justice and Community Safety.

Chief Minister's, dated April 2004.

Disability, Housing and Community Services, dated April 2004.

Economic Development, Business and Tourism portfolio and Sport portfolio within the Chief Minister's Department, dated April 2004.

Education, Youth and Family Services, dated April 2004.

Environment Portfolio within Urban Services.

Industrial Relations portfolio (ACT WorkCover), dated April 2004.

Planning portfolio within ACT Planning and Land Authority.

Planning portfolio within Urban Services.

Police and Emergency Services' portfolio within Department of Justice and Community Safety.

Treasury, dated April 2004.

Urban Services portfolio.

### Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Dangerous Substances Act—

Dangerous Substances (General) Regulations 2004—Subordinate Law SL2004-9 (LR, 2 April 2004).

Dangerous Substances (Explosives) Regulations 2004—Subordinate Law SL2004-10 (LR, 2 April 2004).

Dangerous Substances (Fees) Determination 2004 (No 1)—Disallowable Instrument DI2004-45 (LR, 8 April 2004).

Dangerous Substances (Explosives) Regulations 2004—Dangerous Substances (Explosives) Authorisation 2004 (No 2)—Disallowable Instrument DI2004-48 (LR, 16 April 2004).

Dentists Act—Dentists (Fees) Determination 2004 (No 1)—Disallowable Instrument DI2004-55 (LR, 29 April 2004).

Financial Management Act—Financial Management Amendment Guidelines 2004 (No 1)—Disallowable Instrument DI2004-56 (LR, 29 April 2004).

Hotel School Act—Hotel School Appointment 2004 (No 3)—Disallowable Instrument DI2004-50 (LR, 22 April 2004).

Legislation Act—Rehabilitation of Offenders (Interim) (Sentence Administration Board Acting Chairperson) Appointment 2004 (No 1)—Disallowable Instrument DI2004-42 (LR, 8 April 2004).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) Appointment Revocation 2004 (No 2)—Disallowable Instrument DI2004-51 (LR, 22 April 2004).

Nature Conservation Act—

Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2004 (No 2)—Disallowable Instrument DI2004-44 (LR, 22 April 2004).

Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2004 (No 1)—Disallowable Instrument DI2004-52 (LR, 22 April 2004).

Public Sector Management Act—

Public Sector Management Amendment Standard 2004 (No 3)—Disallowable Instrument DI2004-40 (LR, 1 April 2004).

Public Sector Management Amendment Standard 2004 (No 4)—Disallowable Instrument DI2004-46 (LR, 15 April 2004).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 4)—Disallowable Instrument DI2004-41 (LR, 1 April 2004).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 5)—Disallowable Instrument DI2004-54 (LR, 29 April 2004).

Tree Protection (Interim Scheme) Act—Tree Protection (Interim Scheme) Appointment 2004 (No 1)—Disallowable Instrument DI2004-47 (LR, 22 April 2004).

University of Canberra Act—University of Canberra (Courses and Awards) Amendment Statute 2004 (No 1)—Disallowable Instrument DI2004-49 (LR, 22 April 2004).

## **Answers to questions on notice**

### **Question Nos 1439, 1443, 1459, 1460, 1461, 1462 and 1463**

**MR SMYTH:** Pursuant to standing order 118A (a), I ask Mr Corbell to explain why questions 1439, 1443, 1459, 1460, 1461, 1462 and 1463 are overdue.

**MR CORBELL:** I apologise to Mr Smyth for the delay in answering those questions. A number of them have involved some fairly detailed examination of issues, which is the reason for the delay, but I expect to have them available for him very shortly.

**Question Nos 1291 and 1474**

**MR CORNWELL:** Mr Speaker, under standing order 118A(a), I have two matters for the Minister for Planning: questions 1291 and 1474.

**MR CORBELL:** I will undertake to find out the reasons for that delay, and I will get those answers to Mr Cornwell very shortly.

**Question No 1407**

**MRS BURKE:** Mr Speaker, under standing order 118A (a), question 1407 to the Minister for Planning in his capacity as family services minister at the time, regarding advice given to him by the OCA, was due on 10 April.

**MR CORBELL:** Mr Speaker, I am advised that that question is out of order. I cannot answer a question about an area for which I am no longer the responsible minister.

**MR SPEAKER:** It can only be directed to the responsible minister, and only the responsible minister can answer it. Mrs Burke, you may have to take it up by another means.

**MRS BURKE:** That was the advice I was given, Mr Speaker.

**MR SPEAKER:** All I can suggest to you is that you contact the office of the Clerk, discuss the matter there and work out what you want to do in due course.

**Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 3.57 pm.**