



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

25 June 2002

**Tuesday, 25 June 2002**

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**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 Ms Tucker, from 31 residents.*

## **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 the presence of these disqualifications for a Canberra City library in Civic Square planned for December 2003:

- Greater incursion into the public space of Civic Square;
- Unsuitable co-location of public information resources within an area better suited to the performing arts, museum displays and political discourse;
- Greater distance to public transport;
- Less pedestrian access,  
and
- Absence of any democratic discussion with library users about alternative sites.

Your petitioners therefore request the Assembly to call on the ACT Government to delay funding and building a library within the Civic Square development until other locations (such as the proposed Griffin Cultural Centre) are fully and democratically examined.

*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.*

## **Suspension of standing orders**

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

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

- (a) any business before the Assembly at 3.00 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2002-2003 and the Revenue Legislation Amendment Bill 2002;
- (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 2002-2003 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed;

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- (c) at 3.00 p.m. on Thursday, 27 June 2002, the Order of the Day for resumption of debate on the question that the Appropriation Bill 2002-2003 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speech of the Leader of the Opposition, the Australian Democrats and The ACT Greens 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 concluding 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.

## **Legal Affairs—Standing Committee Scrutiny Report No 15 of 2002**

**MR STEFANIAK:** I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 15, dated 20 June 2002, together with a copy of the relevant minutes of proceedings and the confirmed minutes relating to report numbers 12, 13 and 14.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Scrutiny Report No 15 contains the committee's comments on two bills, nine pieces of subordinate legislation and four government responses. The report was circulated to members out of session.

I commend the report to the Assembly.

## **Scrutiny Report No 16 of 2002**

**MR STEFANIAK (10.36):** 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 No 16, dated 25 June 2002, together with a copy of the relevant minutes of proceedings.

I ask for leave to move a motion authorising the publication of Scrutiny Report No 16.

Leave granted.

**MR STEFANIAK:** I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MR STEFANIAK:** I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Scrutiny Report No 16 contains the committee's comments on two bills, 13 pieces of subordinate legislation, two government responses and one interstate agreement. I commend the report to the Assembly.

## **Report No 2**

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

Legal Affairs—Standing Committee—Report No 2—Standing Order 259 and the Inquiry into the Operation of the *Dangerous Goods Act 1975* with particular reference to fireworks, dated 25 June 2002.

**MR HARGREAVES:** I seek leave to make a statement in relation to that presentation.

Leave granted.

**MR HARGREAVES:** It would have been quite easy for me to let this thing through because of the brevity of the presentation speech by the chairman of the committee, Mr Stefaniak, but I do not feel it appropriate to do that.

Mr Speaker, the issue of a charge being laid under standing order 259 must be seen by this house in a certain context. The charge being levelled at me by a person who has submitted to the inquiry is but one of many hundreds received. It was levelled by a representative of the fireworks industry, Mr John Davey. In his submission, and in others from the industry, Mr Davey also made adverse comments about at least three other persons.

Before the committee would authorise his submission for publication and thus give his comments protection from defamation suit, under privilege, the persons affected were invited to respond. The committee members felt that adverse comments and their responses could be authorised publications. At least they would give both sides of an argument.

I was not officially invited to respond, although I did give my version of events to the committee. This report to the Assembly obliges me to defend myself in public—something, I am not impressed with. The charge per se is not an indictment. It is not the laying of information to support action at law in the event of an offence; it is merely the expression of an opinion that I carried a bias into an inquiry which could result in the individual or his organisation not receiving a fair hearing.

There are some facts about this charge which should be laid before the Assembly. I lay them here not in any order of precedence or priority, but just as they come to mind. The basis of the charge is that statements attributed to me in the press have indicated a bias. Members will no doubt be aware from my position in the previous Assembly that I have favoured the banning of shopgood fireworks, and I have never resiled from this position.

Indeed, the issue of my preference has been used by this person as an excuse to attempt to derail the inquiry. If the individual did not have his way in the recommendations submitted by the committee, he could cry foul and say that the inquiry was concluded in

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advance. Nothing could be further from the truth. Indeed, when I became aware, through a conversation with Mr Davey, that this perception of bias did exist, I went to pains to inform him that, whilst I had a preference borne of personal experience and knowledge gained prior to the inquiry being constituted, I had an open mind on the issue.

At this point Mr Davey seemed to me and to my advisor, who was present and taking notes, to be satisfied with the position. He did, however, reassert his position at a subsequent public hearing. I am happy to table notes from this meeting, if the Assembly should desire, or show them to any member interested in them. Any examination of the transcripts of the public hearings will attest to no bias of mine through questioning.

I took trouble to ensure that no person giving evidence felt that the position advanced was not being treated seriously and fairly. Indeed, on the evidence given to the committee, I have moved from a position of being totally against the sale of shopgood fireworks to a more conciliatory position—one which will become more obvious with the committee delivering its report.

This is a very serious allegation. If such an allegation were soundly based, it would bring into question the integrity of the committee. That is not the case in this instance. It would be more of an issue if I had hidden my position and tried to influence the outcome. I have not done so. I have not tried to influence the decision in any way greater than my colleagues have through their examination of evidence received. I consider this charge to be baseless and levelled out of mischief, with full intent to disrupt the workings of the committee.

As an aside, Mr Davey, during his visit to my office, indicated that he was taking legal action against the *Canberra Times* and had considered taking legal action against me, but his advice was that there was no case. I took this as a threat.

Standing order 259 requires a committee to let the Assembly know if a member of the public feels that a member has acted inappropriately. I would contend that honesty in this issue—something I have demonstrated repeatedly—is not an inappropriate action. I would further contend that statements attributed to me but not in direct quotes do not constitute any action on my part, let alone inappropriate action.

Given the sensitive nature of this inquiry, it has been conducted with complete propriety. The press article—reference is provided here—was discussed in the committee. The substance of the article gave some members grief but did not result in any request by members that I step down from the inquiry. I took this to be an expression of confidence by members of the committee that I would take part in the inquiry in a fair and unbiased way, bringing to it my own experiences of explosives and the maltreatment of my own pet and my concern for the community—all of which I indicated to members of the committee immediately the inquiry was called.

We all take into inquiries some preconceptions. I have had my preconceptions regarding shopgood fireworks out there in public for the best part of four years now. My views were not news to anyone. Misrepresentation in such a fashion of those views, preferences and, indeed, fears should be dismissed out of hand.

I also urge a point of caution. Should the Assembly wish to take any course of action in this matter, it should consider the consequences. This is a frivolous charge and one which I dismissed. This is an assertion made by Mr Davey with the deliberate intention, under privilege, of derailing an inquiry of this Assembly because he feared the outcome. Mr Davey has decided that there is antipathy towards members of his association from WorkCover, and he decided that this position may have some sympathy in the committee. So he decided to deliberately derail the process.

I have no case to answer here. What we have is an assertion. Any cursory examination of the newspaper article, concentrating on my comments—printed in inverted commas—will see that I am attributed with the views of the caption writer, with the views of the reporter.

If the Assembly wishes to go on a witch-hunt every time a member of the public alleges bias, then the committee system is at risk of collapsing. Members are elected to this place and, on taking office, swear that they will do their best for the community. I have done so in this instance, and I will continue to do so.

If Mr Davey wishes to make me a martyr for declaring publicly my fears for the community, my worries about animal welfare, my concern about the chemical make-up of fireworks and my worry that there may have been a connection, however tenuous, to organised crime, then he makes me a martyr for being an honest member of this place.

We do not go into inquiries with a blank mind, Mr Speaker; we go into inquiries with a preparedness to listen to argument and make recommendations based on the evidence. I have done just that.

## **Artificial Conception Amendment Bill 2002**

Debate resumed from 6 June 2002, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR STEFANIAK** (10.45): Mr Speaker, the opposition will be supporting this bill. As the Chief Minister said when he introduced it, the bill has a sunset clause, which was to enable the Law Reform Commission to have a look at it. The Law Reform Commission have been very busy with a number of other reports. In fact, they have brought down two reports in recent months—both very good reports, I must say—and I have not had a chance to get to this and do it justice by the expiry date, which is the end of June this year.

This bill will simply extend the date to 1 July 2004, giving them a two-year period in which to do what we wanted them to do when we were the previous government. Money also was put in the budget last year—for the financial year we are still in—to assist the work of the Law Reform Commission. I do not know what the Chief Minister is proposing, if anything, in this current budget, but that money was to help them with their work. They have two major inquiries out of the way now, and they can now look at this matter.

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The two-year period is quite reasonable. There are no excuses this time for the report not to come down, it is an ample period of time. I look forward to the report and any further debate on this matter, which is a contentious matter. The opposition thinks it appropriate that the Law Reform Commission consider it. I look forward to their report, and the opposition will be supporting the extension of this bill by another two years.

**MS TUCKER** (10.47): We will be supporting this extension—however, with some concerns. We made it quite clear in the original debate—as other members did; Mr Stanhope did—that this is a highly complex area and that we need to not take a piecemeal approach to development of legislation.

It is an example of where technology has moved at a much greater pace than the community's understanding of its implications, and we were given a commitment at that point that there would be a thorough look at it by the Law Reform Commission. We have not seen that work done, and I want to put on the record today that the reason, as I understand it, was inadequate resourcing of the work; that it is very important that appropriate resources are committed to any study of law reform; and that it is very important in areas such as this.

When Mr Stanhope introduced the bill, he spoke of work that occurring in other states. This is carried out by bodies that are well resourced, and there is also a national process. I do not have a problem with taking into account work done in other states, but I also think that, as a territory, we need to be clear that we want to look at it, too, and have our own assessment of the very complex issues. Having said that, I will be supporting it.

**MS DUNDAS** (10.49): I rise to support this bill. I think that the issues of reproductive technology and substitute parenthood are difficult and have to be considered carefully and thoroughly. I am disappointed that, once again, we are delaying discussing these issues because the necessary background work has not yet been completed.

However, until we are fully informed about the legislative concern surrounding this act, it is prudent to leave the current legislative framework in place to ensure continued regulation of substitute parent arrangements. I acknowledge that the current act does not adequately deal with a number of surrogacy issues and that these are very difficult issues indeed. But this does not mean we should not deal with them.

People have been dealing with new technology since the beginning of history, and all technologies can have both good and bad outcomes. There are complex ethical considerations in writing laws with regard to surrogacy as well as artificial insemination, IVF and sperm and egg donors. But it is not good enough for us to leave these problems in limbo. We should not be leaving these arrangements unregulated; nor should we advocate an outright ban unless we are sure that there is no way to use these technologies for the benefit of the people of the ACT.

These parentage order laws have been in place for two years now, and we have not had any huge rush of surrogate pregnancies; nor have we had any high-profile legal cases over the parentage of children in the ACT. However, we should remain vigilant about the social effects. It is currently illegal to engage in commercial surrogacy, and the interests of the child take priority in any parentage order. These are central principles that we should stick to.

In summary, these laws should remain in place until the necessary work has been completed, to enable us to devise the best possible framework.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.51), in reply: I thank the Assembly for supporting the extension of the sunset clause. This is a very simple, machinery amendment, which extends the sunset clause from next week to two years to allow further consideration by the Law Reform Commission of work in relation to substitute parent agreements and assisted reproductive technology.

As members have indicated, these are complex and difficult issues. Parenting, parent orders, adoption, substitute parent arrangements and assisted reproductive technology are some of the most difficult issues that parliaments and politicians need to grapple with. It is appropriate that the Law Reform Commission look at these issues, and it is appropriate that we, as an Assembly, be as well informed as possible about the broad range of issues and interests that are at play.

It is disappointing that the Law Reform Commission has not, to date, been able to do the work that it was hoped it would have undertaken by now. There has been a resource issue with the commission, and I am moving to address it. I am moving to ensure that the Law Reform Commission will be able to deal with this reference and that it will come back to the Assembly with some very valuable advice on the issues that have been raised.

As mentioned by Ms Tucker, and as I mentioned when introducing the bill, a lot of work is now being done around Australia. New South Wales is developing assisted reproductive technology legislation that will inform some of the work we do, and the Council of Australian Governments is working on the development of a nationally consistent approach to assisted reproductive technology. We will be guided and informed by that, but we will also do work that is specific to the ACT and allows the ACT community to be engaged in the consideration of these issues.

Again, I thank members for their support of this extension of the sunset clause by two years. In that period we will undertake the necessary work so that we can get a co-ordinated and considered approach to the issues of supported parent orders and assisted reproduction technology. I have had concerns about what I regard as some adhocery in law making in the territory for assisted reproductive technology. I do not think this is an area that should be characterised by policy making that is knee-jerk, ad hoc, uninformed or less consultative than we would wish.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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## **Workers Compensation (Acts of Terrorism) Amendment Bill 2002**

Debate resumed from 6 June 2002, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

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

## **Statute Law Amendment Bill 2002**

Debate resumed from 6 June 2002, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR STEFANIAK** (10.55): Mr Speaker, this bill would amend various laws in the territory as part of the technical amendments program for laws in the territory. There are a number of schedules there. Schedule 1 provides for amendments to the Evidence (Miscellaneous Provisions) Act 1991 and to the Health and Community Care Services Act. Schedule 2 provides for non-controversial structural amendments to the Legislation Act. Schedule 3 contains minor and technical amendments of legislation initiated by Parliamentary Counsel's Office. Schedule 4 provides for the repeal of redundant and obsolete acts and regulations.

I will make some comments when we come to Ms Tucker's amendment, but I think it is important with these consolidated acts to make a general comment in relation to acts which consolidate laws and which do technical amendments. It is important not to use these acts to introduce significant changes or any change that departs in a real way from what the current law is. It is all very well to amend or consolidate laws, make them more modern, make them flow better or assist in the provision of legislation to the public—as, indeed, the legislation amendment package does—but we need to be careful to not introduce major changes to existing laws through that package. I will speak more about that when we come to Ms Tucker's amendment.

The opposition have had a look through the bill. I understand the Attorney is bringing some amendments which were suggested by the scrutiny of bills committee and which, again, are minor, procedural, tidying-up matters. We have no problems with those. I had a bit of concern initially about some provisions of the evidence act, but I am quite satisfied now that the provisions are very minor. They relate to the videotaping of evidence and the Protection Orders Act 2001. The Domestic Violence Act is incorporated in that, and that has been used in relation to the video links through our court system on occasions in the past.

The other part of the bill—in relation to personal protection orders—has now, as a result of the Protection Orders Act, come in under that. I do not know how often that will be used, but I think it is very much in the same vein as what has occurred before. Despite some of the reservations expressed in the scrutiny of bills report, the opposition now has no problem with that.

For the Attorney's future benefit, I raise the question—which I raised with one of his staffers some time ago, when this bill was introduced—of taking the evidence of witnesses by video link. Yes, it does to an extent impinge upon the traditional entitlement of the accused to confront his accuser and have it out in court. As the report indicates, that is supported by one of the various conventions on human rights of the United Nations.

Equally, there is a very real need for vulnerable witnesses who are terrified of court proceedings to be properly cross-examined using modern technology, particularly in the case of children. I am pleased to think that, way back in the first Assembly, I had something to do with that, along with several other persons here. That was something that the current Chief Magistrate—he was also the Chief Magistrate then—was keen to see adopted, and I am very pleased that the first Assembly did that. It came in with the Evidence (Miscellaneous Provisions) in 1991.

Perhaps there is value in looking at another class of person to be included in the taking of television video evidence for cross-examination. We are doing it for children in all circumstances, and rightly so. That is something the court can determine, and in most instances that will certainly occur. This form of taking evidence has been extended, of course, to victims of sexual assault.

There is another category of victim, which I have asked the Attorney and the government to look at. They are people who, because of the nature of the alleged offences against them, are terrified of the perpetrators of those offences. What springs to mind, and I have seen it in my days in the courts, is victims being afraid of the defendants getting at them. They have a real fear of the defendants as a result of what occurred to them. It is particularly nasty assaults on a person, often involving multiple defendants, which present a very real case for extending this assistance even further.

It is something I would ask the current government to look at. These procedures have been used very effectively over the 10 years they have been there for children and victims of sexual assaults, and I think there is real scope for seeing whether they should be extended further.

Having looked through this series of amendments, I would say that they seem to do the job. The Chief Minister has indicated that that is pretty well it for bills coming before this place which tidy up acts of parliament and put them in modern language in this legislative program. Accordingly, the opposition will be supporting this in principle and will be supporting it at the final vote as well. I have looked at Ms Tucker's amendment, and I will be making some comments on it when she moves it.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 6, by leave, taken together and agreed to.

Schedule 1 agreed to.

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Schedule 2.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.02): Mr Speaker, I seek leave to move together amendments Nos 1 and 2 circulated in my name.

Leave granted.

**MR STANHOPE:** I move amendments Nos 1 and 2 [*see schedule 1 at page 2217*].

Mr Speaker, I thank the opposition for supporting the bill. As Mr Stefaniak has indicated, this is an important piece of legislation. Statute law amendment bills are the vehicle traditionally utilised by governments everywhere to update and to make minor, non-controversial, non-major policy amendments to legislation. They are a very useful vehicle employed, as I say, by governments for the making of a range or raft of minor, non-technical, non-contentious amendments to the law. It is important, I think, that we recognise and continue to acknowledge that that is the essential function of statute law amendment bills, that we come to debates in relation to statute law amendment bills with a view or with an understanding that we will not be initiating major policy changes or technical changes to legislation through such bills. This bill certainly falls within that categorisation and that description.

Having said that, I note that Ms Tucker has given notice of her intention to make some amendments to the Compensation (Fatal Injuries) Act. They are amendments which, I am happy to foreshadow, the government will be supporting. I do have to say, though, that I do think that they skate on the border or boundary of significant policy change. I say that having indicated that we, nevertheless, are happy to support them. They are the sorts of amendments which we currently have under consideration in any event, but they do go to significant issues of policy in relation particularly to the rights of people in same-sex relationships and the need for us perhaps to reform a raft of laws in relation to same-sex partnerships. I just make the point that I think we do need, as a parliament, always to be mindful of the essential role of statute law amendment bills and not seek to introduce, through amendments to a statute law amendment bill, significant issues of policy.

In moving amendments Nos 1 and 2, I have simply picked up in one instance a minor oversight in relation to one of the provisions within the bill—it is non-contentious—and have put forward a couple of other amendments to overcome a minor error in relation to provisions of the University of Canberra Act which has been connected through this amendment. The amendments are of no great moment and are quite consistent with what we are seeking to achieve through this bill.

Amendments agreed to.

Schedule 2, as amended, agreed to.

Schedule 3.

**MS TUCKER** (11.07): I move the amendment circulated in my name [*see schedule 2 at page 2218*].

The Compensation (Fatal Injuries) Act sets out a process for compensation to relatives of persons whose deaths are caused by wrongful acts, neglects or defaults. It applies in cases where, if the person had survived the injury caused by the wrongful act, neglect or default, they would have been able to claim compensation. Several clauses are being updated by the Statute Law Amendment Bill, but the clause of concern here is the one that defines de facto couples as members of a deceased person's family.

The Statute Law Amendment Bill updates the language of this provision from a bona fide domestic basis to a genuine domestic basis. However, it leaves untouched a quite out-of-date definition of what is a de facto couple which has serious implications for some members of our community. The definition at section 3 (h) refers currently to a person who, immediately before the death of the deceased person, was living with the deceased person as wife or husband. The phrase "as wife or husband", because these are terms defined by marriage and because marriage is only recognised by the current federal government as existing between people of opposite sex, excludes equally committed couples of the same-sex from recognition as family.

This means that a person in this situation whose long-term de facto partner has been killed by a wrongful act is excluded from recognition as a member of that person's family and is excluded from access to compensation which other people in the same situation would have, except for their sexuality. This terminology is clearly quite out of date in the ACT. Our Domestic Relationships Act 1994, while it does not specifically mention same-sex couples, was structured so that it included same-sex couples along with different sex couples in its understanding of de facto and domestic relationships, removing any unnecessary distinction on the basis of gender from its definitions.

My amendment brings this definition of de facto relationships up to date by removing reference to the gender specific husband or wife. It follows the pattern set in some other acts of making clear that the absence of reference to heterosexual relationships means an active inclusion of homosexual relationships on the same footing as heterosexual ones. It is clear that there is an unacceptably wide variation in definitions relevant to couples across ACT legislation. This amendment has been developed from existing definitions in an effort not to expand the boundaries.

The Coroners Act, at section 3, contains the phrases "in a de facto marriage relationship with the deceased" and "in a relationship (whether or not with a person of the same or the opposite sex) in which one provided personal or financial commitment and support of a domestic nature for the material benefit of the other". The Guardianship and Management of Property Act uses "a person, includes a person of the opposite sex to the person who is not legally married to the person but who lives with the person on a bona fide domestic basis".

This amendment uses the phrase "whether of the same-sex or a different sex" in preference to other forms of words so as to be clearly inclusive. It uses "de facto" as a more generally understood definition of the relationship, one more easily understood than the slightly ambiguous "bona fide domestic basis". We could equally have used the Guardianship and Management of Property Act definition.

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However, in consultation with people from the community, a “marriage-like” relationship was preferred. The department raised concerns that “marriage-like” might intrude on the Commonwealth’s ground with respect to its marriage powers, so we went for a de facto marriage relationship under the Coroners Act, which seemed to retain the best and avoid the worst.

The variations in the definitions throughout the body of ACT laws, some including and some excluding same-sex couples, along with different sex couples, create a highly inequitable and unjust situation for same-sex couples. As I have already said and others have already pointed out in this place, there is a need to progress law reform to remove this discrimination. The Adoption Act, the Artificial Conception Act, the Casino Control Act, the Debits Tax Act, the Evidence Act, the Land Titles Act, the Law Reform (Miscellaneous Provisions) Act of 1955, the Workers Compensation Act and the Transplantation and Anatomy Act have discriminatory definitions. Even the Domestic Relationships Act could be clarified.

I prefer to deal with matters in a comprehensive manner. Without anticipating debate, the motion on the notice paper from Ms Dundas is a comprehensive proposal to address this issue. But here we are with the Statute Law Amendment Bill 2002 being asked to vote in support of a discriminatory definition, and I cannot vote in support of it. Anyone here who claims to support progressing reform of discriminatory laws really cannot credibly vote to support this bill without this amendment. We have worked hard to propose a good, inclusive definition to update this language and I urge members to support this amendment.

Mr Stefaniak has raised concerns about the amendment going too far. I think that it is perfectly clear that this amendment is just an updating of the language and is totally consistent with the commitment made in this place through other legislation and in the commitment generally to progressively remove discriminatory clauses in law in the ACT in terms of same-sex couples and different sex couples. This amendment is entirely consistent with that. It is, in fact, about updating the language to reflect that reality.

**MR STEFANIAK** (11.13): As I have indicated, the opposition does have problems with this amendment, problems based on comments made by the Chief Minister, who concedes that this change is marginal. I would say that it probably falls over the line in terms of being a substantial change. The amendments sought in this bill to the Compensation (Fatal Injuries) Act of 1968 fundamentally are about renumbering. In fact, proposed section 3 (h), which Ms Tucker seeks to amend, is the old section 2 (h), as indeed is proposed new section 3 (d) the old section 2 (d), and it is in the same language as that of the original act, that is, a person who, although not legally married to the deceased person, was, immediately before the death of the deceased person, living with the deceased person as wife or husband on a genuine domestic basis. Ms Tucker has read out her amendment which will change that.

The opposition has no comment to make either way in terms of the substantive change Ms Tucker is seeking. It may well be something that the opposition would support if she were to propose it in terms of amending a raft of laws; conversely, it may not be. It is something that, obviously, we would need to look at and discuss at the time. My point is, in fact, a procedural one. It is, as the Chief Minister has said, about the need to use these

bills to update laws in a technical way, but not about using them to introduce substantial changes to legislation. That is better done with a separate bill. It does more justice to the issue as well.

The Chief Minister has alluded to, in his opinion, the need to reform a raft of laws in relation to this issue of same-sex couples. No doubt he will bring forward a particular bill which will seek to amend a raft of laws to change the situation. That, in terms of procedure, is a far more preferable way to proceed than to have what is an ad hoc amendment. Ms Tucker has referred to a matter on the notice paper. She feels that that has to happen now, because this bill is being dealt with now. Again, the item on the notice paper is more substantive and perhaps there is no real need for this change to happen now if the government is actually going to bring forward a detailed bill dealing with a raft of reforms which cover all bits of legislation that may need amending if it is the wish of the Assembly to go down this particular path.

I note that only last sitting the government, as a result of concerns raised by the opposition and the Bar Association, quite rightly withdrew part of a legislation amendment bill that would not simply replicate a very important piece of legislation in the interpretation that the courts give to legislation from this place, but would change in a substantive way the manner in which courts would actually look at legislation. That, if it is to occur, is much more within the purview of a separate piece of legislation that can be looked at and debated thoroughly, rather than putting it in with general catch-up legislation such as a legislation amendment bill. It was for a very different purpose from what bills such as that bill and this bill, the Statute Law Amendment Bill, are introduced.

On that procedural point, I think that it is important that substantial amendments to legislation be made through a separate bill. That does justice to the issue, enables a proper and full debate, and no one can then be accused of hiding these things in a legislation amendment bill or this bill. I think that it is far more preferable to do so in that way.

I note that Ms Tucker actually circulated her amendment in this regard and we have had time to look at it, which is probably not like the next situation that I will refer to. From time to time there have been lots of ad hoc amendments in this place. The worst probably were the amendments to various land and planning acts in 1991. You would remember them, Mr Speaker. There were close to 100 amendments on the floor.

**Mr Wood:** Yes, I remember.

**MR STEFANIAK:** You were probably the minister then. I think that I was the shadow minister at that stage, Mr Wood. There was chaos. The amendments were coming from the Residents Rally, I seem to recall.

**MR SPEAKER:** I think we were all scarred by that experience.

**MR STEFANIAK:** I think we were. One of the departmental officers then—I do not know whether he is still there—still bears the scars today and occasionally mentions the occasion. I think he wanted to thump a few people at the time but, because he was a half-back, he was probably a bit small for that. At any rate, I can remember that officer and his colleague being absolutely ropeable about what happened. That was a classic case of

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adhocery gone mad. I am not saying that Ms Tucker is doing that by any stretch of the imagination. She has actually circulated this amendment in ample time and there is to be only one amendment.

There is a lot of strength in the principle which the Chief Minister has enunciated. Given his comment that there is a need to reform a raft of laws and that the government is doing so, I think that this amendment would be better left for that process. I think that that would be a much better process. For that reason and that reason alone, the opposition will not be supporting Ms Tucker's amendment.

**MS DUNDAS** (11.19): We have in this Statute Law Amendment Bill technical amendments that are meant to be non-controversial. We have a 400-page bill that contains 995 amendments and there is almost an element of trust about accepting this legislation. In the scrutiny that has been applied to it, a provision has been found that needs updating. Ms Tucker has moved an amendment to recognise same-sex couples in the Compensation (Fatal Injuries) Act. In inserting technical language to update this piece of legislation, we are working towards ending discrimination and the failure to recognise same-sex couples in ACT laws.

Putting an end to legal discrimination is something that I would hope all members of this Assembly could support. This will not be the only time that amendments such as this one come before the Assembly. As has been alluded to today, I have a comprehensive motion on the notice paper in relation to same-sex couples, but that comprehensive process will take some time and we have a duty now to look after same-sex couples.

This amendment, which some people seem to think goes close to the edge, was not snuck in with over 100 other amendments. It was put clearly on the table. Ms Tucker circulated it some time ago for all to consider and think it over. The simple point that we should be looking at is that we should be ensuring that our legislation is up to date and in line not only with other ACT laws, but also the principles and practices of this territory. The census has shown us that 2 per cent of the ACT are happy to be recognised as part of same-sex couples. Why should they continue to suffer legislative discrimination when obviously they, like everybody else in the ACT, have a right to fair and equal treatment and have a right, as part of a couple, to be able to access the shared money and the shared support that come from being part of that couple?

Use of the Compensation (Fatal Injuries) Act would occur at one of the most traumatic times in the lives of any couple. This amendment to the act will remove entrenched discrimination that makes its use so much harder for same-sex couples in the ACT. This is a fair and proper place to move this amendment. As I have said, we will be bringing this piece of legislation into line with other pieces of ACT law and into line with what I would hope will be non-discriminatory practices of the ACT Assembly with regard to marital status.

**MR HUMPHRIES** (Leader of the Opposition) (11.22): I want to emphasise what Mr Stefaniak has said about this amendment. The opposition does not wish to express any view about the intent behind Ms Tucker's amendment. In fact, given what the Assembly has considered before on related matters, there is a very formidable argument for legislative changes such as the one that Ms Tucker is proposing to be considered for

ACT law. Our comments about this amendment do not go in any way to the substance of the proposal that she has put before the Assembly today.

Our concern about the use of the Statute Law Amendment Bill as the vehicle for this change is about the way in which its use alters the nature of that kind of legislation. As far as I can remember, every year the Attorney-General of this place has brought forward a statute law revision bill or amendment bill in order to tidy up the legislative provisions of this territory, to deal with the language of legislation, to deal with outdated references, to change titles, to remove gender specific language, and so on. Invariably, they have been thick documents and we have never had any problem in waving them through this place, because we have had some satisfaction in knowing that the Department of Justice and Community Safety has approached the task of putting together such bills in the knowledge that they contain only information and changes to the law which are non-contentious, which are straightforward and which deal with minor matters about which there could really be very little or no dispute.

The amendment Ms Tucker has moved today is a significant change to the law of the territory. It is a matter that, if the government were moving it, it would create a press release about it saying, "We propose to remove discrimination against people in same-sex relationships." I have no doubt that today, if this amendment were to pass, Ms Tucker will put out a press release saying that a significant change in the law has been made. I think that she would make that point in the public arena. But it is also worth saying that the public of the ACT has had no notice of this change.

But for a few people in this chamber and a few advisers, nobody has known that this amendment was going to be moved today to the law of the territory. The public has no idea that this is happening. I do not believe that legislation, particularly significant legislation, should be made without there being some notice of it. It is a comment on the process, on the procedure. If this were a free-standing bill, there would be no problem in debating it and no problem in supporting it. But to use as a vehicle a statute law amendment bill is not appropriate. That is the reason that the Liberal opposition believes that this is the wrong format to use, that it is the wrong vehicle to use, and we should be putting such legislation in other forms for passage.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.26): I indicated earlier that the government will support this amendment. I also made some comments about whether it was appropriate for substantial amendments to law to be made through a statute law amendment bill. To that extent, I agree with both Mr Humphries and Mr Stefaniak; the government also expresses concern that a statute law amendment bill is being used as a vehicle for what is a significant amendment.

It is an amendment which we support and which I have no difficulty in supporting, but there are very significant issues involved in an amendment such as this which does widen the class of persons who now will have an opportunity, for instance, to claim funeral expenses or reasonable medical or hospital expenses as a result of the death of a person. We believe that it is appropriate that these changes be made. It is consistent with the government's policies and views on these issues that we extend these rights from heterosexual de facto couples to same-sex de facto relationships as well.

Of course, there are some significant issues around amending or extending this range of rights from heterosexual de facto couples to same-sex couples. We support the change. As I say, it is consistent with the Labor Party's position and policy. It is also an amendment which is being made in the context of work which the government is doing. The department of justice is actively pursuing a raft of amendments to address the very issues that are being addressed in this amendment. It is not as if the work is not being done. I have to emphasise that work is being done within the department of justice on issues around the rights of gay and lesbian people. I look forward to bringing those amendments forward at some stage in the future as a comprehensive package of reform. It is in that context that I believe that we should be debating this issue.

As I said, we will support this amendment. It is the sort of amendment that will be contained, in any event, in the law that the government will bring to this place in relation to the legal status of same-sex relationships in a broader and more general way. But the government's position is not the one that the opposition has taken. We say that we would prefer this change to be made as part of a comprehensive law reform package and we are working on the development of that, but it is going to be done in any event and we are happy to support it here today. But it is appropriate that we remind ourselves about the form and nature that statute law amendment bills take.

**MS TUCKER (11.29):** I just want to make the point again that the Domestic Relationships Act 1994, while it does not specifically mention same-sex couples, was structured so that it included same-sex couples, along with different sex couples, in its understanding of de facto and domestic relationships, removing, as was said in the Assembly at the time, "any unnecessary distinction on the basis of gender". This is an agreed position of this Assembly. If Mr Humphries wants to change that position, fine, we can have that debate. But if he looks at everything that has been said in this place, he will find that this is about moving with the view of the Assembly.

Mr Humphries said that nobody knows about this change. Earlier in the year, there were articles in the media and on television on a proposal I had put suggesting a much more controversial removal of discrimination in a number of areas, including adoption. There has been quite vigorous community debate on that. Ms Dundas has also raised this issue publicly, as has Mr Stanhope, so there has definitely been public discussion of this issue. It is quite ridiculous to suggest that somehow this proposal has come out of the blue. Clearly, it has not and there has been a very healthy community debate, which is good. As I said, if you look at what is already contained in the Domestic Relationships Act, which surely would be the one to look at, you will find that this is about updating the language used.

**MR SPEAKER:** Members, I have just had it drawn to my attention that the provision encompassed in Ms Tucker's amendment may be widening the scope of the legislation, which is inconsistent with the practice that we follow in this chamber. I do not want to rule one way or the other on that without having taken further advice on the matter from the Clerk. I think it would be wise in the circumstances for members to consider adjourning further consideration of the matter to a later hour this day in order to take further advice on the matter.

Debate (on motion by **Mr Stefaniak**, by leave) adjourned to a later hour.

## **Legal Affairs—Standing Committee Report No 2**

Motion (by **Mr Stefaniak**, by leave) agreed to:

That report No 2 of the Standing Committee on Legal Affairs entitled *Standing Order 259 and the Inquiry into the Operation of the Dangerous Goods Act 1975 with particular reference to fireworks* be authorised for publication.

**Sitting suspended from 11.33 am to 2.31 pm.**

### **Questions without notice Gungahlin Drive extension**

**MR HUMPHRIES:** My question to the Minister for Planning, Mr Corbell, refers to the Gungahlin Drive extension. Minister, on 4 June, in answer to a question, you said:

... the intention is to complete construction of the road in accordance with the previous government's capital works timetable ... the intention is to seek to complete it by the end of 2004.

That was a statement you made in this house three weeks ago today. Yet last Thursday you made an announcement in which you stated that the Gungahlin Drive extension from the Barton Highway to Belconnen Way would be open to traffic in winter 2005—at least six months later than the original timetable; in fact, more likely a year. Minister, did you mislead the house?

**MR SPEAKER:** Order! I think there is an imputation in relation to these—

**MR HUMPHRIES:** It is a question, Mr Speaker.

**MR SPEAKER:** We have been through this a dozen times before. I would like you to withdraw any imputation that the minister has misled the house.

**MR HUMPHRIES:** I withdraw the imputation but I will ask the question: how do you account, minister, for the clear disparity between what you said three weeks ago and what you said last Thursday?

**MR CORBELL:** Mr Speaker, the government has always made clear its intention to seek to honour its election commitments. That was the substance of my statements in the Assembly during question time on that day. As a result of further analysis of what is needed to occur in relation to the completion of Gungahlin Drive extension—to take account of the concerns, for example, of the Australian Sports Commission—to ensure that all the necessary planning processes are completed in a timely manner, the government has adjusted that timetable to winter 2005. The government has always made very clear that its intention was to seek to implement its commitment, and we have done so in the most timely manner possible.

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**MR HUMPHRIES:** Mr Speaker, I have a supplementary question. Minister, when did you find out that the timetable you gave the Assembly on 4 June, three weeks ago today, was the timetable with which you could no longer live?

**MR CORBELL:** Mr Speaker, I would have to check the details and advise Mr Humphries of that. But I have to make very clear the issues that this government faces, not least the very significant agenda being run by the Liberal Party here in Canberra, in concert with their federal colleagues, in a deliberate attempt to undermine and delay this government's capacity to deliver this road.

Mr Speaker, in a meeting I had last week with Mr Tuckey, the federal minister for territories, who is a colleague of these people, I asked him directly whether he was prepared to provide in-principle support for the west alignment provided all the issues raised by the AIS are satisfactorily addressed. I said to Mr Tuckey, "Are you prepared to give in-principle support for this alignment provided that all the concerns raised by the AIS are satisfactorily addressed?" And what did he say? He said, "No I can't." He said, "I can't do it." What does that mean, Mr Speaker? What is the Liberal Party's concern?

**Mr Humphries:** On a point of order, Mr Speaker: my question was when did he know that he couldn't live with the timetable he had advised the Assembly of three weeks ago. Could I have an answer to that question?

**MR CORBELL:** Mr Speaker, I have indicated to Mr Humphries that I will seek clarification on that and advise him. But this point needs to be made: what is it about this road that the opposition doesn't like, apart from the fact that the Labor Party is behind it? What is it about this drive that the Liberals don't like apart from the fact that it is Labor's preferred alignment? Mr Tuckey is not even prepared to give in-principle support for this alignment, even if all the concerns of the AIS are addressed.

So what does that say, Mr Speaker? What is says to me is very clear: that the Liberal Party is intent on undermining the provision of a key piece of infrastructure for the residents of Gungahlin, and they should be ashamed of themselves. If they had any clout on this issue with their federal colleagues, they would be exercising it. Instead, they are simply manipulating this to get the political outcome they want.

**Mrs Dunne:** No, we want the road.

### **Gungahlin Drive extension**

**MR HARGREAVES:** Mr Speaker, if I have to I will shout over those gabbling turkeys over there as well. Mr Speaker, my question, through you, as always, is to the Minister for Planning. Can the minister tell the Assembly about the costing details for the Gungahlin Drive extension, and how can this compare to the Liberal's claims to be able to build four lanes for \$32 million?

**MR CORBELL:** Mr Speaker—

**Mrs Dunne:** That was your promise as well. You promised to do it on budget and you have broken your promise.

**MR CORBELL:** Take a tablet Mrs Dunne; take a tablet. I thank Mr Hargreaves for the question, and it is an important question. Recently the shadow minister for planning, Mrs Dunne, has been out claiming that they were going to build this four-lane road and it was only going to cost \$32 million. If I recall correctly, Mr Speaker, they were going to start next month. Well, let us get down to the facts.

**Mrs Dunne:** You claimed it as well. You actually were going to save \$7 million on that \$32 million. You were so clever before.

**MR SPEAKER:** Order! Members of the opposition, I know you want to help Mr Hargreaves get an answer to his question, but will you please let the minister answer uninterrupted.

**MR CORBELL:** Mr Speaker, in the 2001-02 ACT budget, the Humphries budget, they scheduled GDE from the Barton Highway to Belconnen Way, four lanes, for \$32 million; Caswell Drive duplication \$6 million; and Glenloch Interchange upgrade \$15 million. The figure of \$32 million nominally was for a four-lane road with grade separations on an alignment, as we all know, to the east of the Australian Institute of Sport. However, Mrs Dunne failed to advise members in this place, and indeed the Canberra community, that all of those figures were a preliminary estimate.

**Mrs Dunne:** Since when does the capital works budget become a preliminary estimate? It is not what Mr Thompson said in the estimates last year.

**MR CORBELL:** Oh, take a tablet, Mrs Dunne. But further, Mr Speaker: in 1997 the costing of \$32 million was based on 1997 construction prices—1997 construction prices. That is five years ago. What has happened in five years? Well, first of all there has been a CPI increase of close to over 13 per cent. So in the past five years the CPI cost has gone up 13 per cent, but they can still deliver a four-lane road for \$32 million. Goodness me!

Secondly, their costing was based first of all on very preliminary designs which were undertaken in the Maunsell PA study, a far less detailed level of design than we released last Thursday. Further, they did not take account of the further investigation—Mrs Dunne has not taken account of the further detailed design investigation—that they would have needed to have done to determine the final price for the road. So the costing is five years out of date, there has been a 13 per cent CPI increase in that time, but they can still deliver a four-lane road for \$32 million.

Mr Speaker, let me tell you how much road they are going to get for \$32 million. There would be a four-lane road that finishes somewhere in a paddock in the middle of Bruce. That is the outcome that Mrs Dunne is promising if she thinks she can deliver a four-lane road for \$32 million, because she doesn't take into account that it is a 1997 price, it is five years old and there has been a 13 per cent increase in the CPI. All Mrs Dunne is delivering is a road to nowhere—a four-lane highway that finishes in the middle of a paddock in front of the AIS.

**MR HARGREAVES:** Mr Speaker, I have a supplementary question. I thank the minister for most of the answer. Could the minister tell us why were preliminary 1997 figures used in the 2001-02 budget?

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**Mr Stanhope:** To mislead.

**Mr Smyth:** Mr Speaker, on a point of order: on the basis of the same judgment that you used in respect of Mr Humphries' question, the Chief Minister must withdraw that comment.

**MR SPEAKER:** What was it?

**Mr Stanhope:** I interjected the words "to mislead", Mr Speaker. I withdraw them if that created offence.

**MR SPEAKER:** Thank you, Chief Minister.

**MR CORBELL:** Mr Speaker, there is no doubt that the Liberal Party have been slipping and sliding on this issue—slipping and sliding because Mrs Dunne still thinks that, despite the price estimate being over five years old and there being a 13 per cent increase in the CPI, she can deliver a four-lane road from the Barton Highway to Belconnen Way for \$32 million. I would love to see the estimate from any road construction activity which highlighted they could do that.

**Mr Cornwell:** on a point of order, Mr Speaker, and sit him down while I am on my feet, please. Mr Hargreaves asked why was this figure for 1997—

**Mr Stanhope:** Why was it five years out of date?

**Mr Hargreaves:** Do you want me to tell him—

**Mr Stanhope:** It wasn't to mislead. If it wasn't to mislead, why was it? That is the question.

**Mr Cornwell:** Just a moment. Settle down. Mr Speaker, the information that Mr Corbell was just listing was not in response to the question. In asking why this was done, Mr Hargreaves was actually asking for an expression of opinion, which is out of order so far as standing orders are concerned.

**MR SPEAKER:** I think I will allow Mr Corbell to continue to deal with the question that has been put to him by Mr Hargreaves. I think Mr Corbell understands that point.

**Mr Stefaniak:** Mr Speaker, before Mr Corbell continues his answer, I have a point of order. Mr Stanhope interjected twice using the word "mislead". I would ask him to withdraw that.

**MR SPEAKER:** Order! If you want me to rule on a point of order, or discuss it with you, just give me a bit of free air for a moment. Mr Stanhope did use the words "to mislead". But he never accused anybody of misleading this place, and on that score I am really not able to rule it out of order. We have never ruled out of order in this place a suggestion, say, that people might be misleading the community.

**Mr Stanhope:** I withdraw my withdrawal, Mr Speaker.

**MR SPEAKER:** I am just informed by the Clerk that it was put as a rhetorical question—was it to mislead?

**MR CORBELL:** Mr Speaker, clearly this is a sore point for the opposition because they know they cannot deliver a four-lane road for \$32 million and Mrs Dunne is still out there insisting that that is what they would have done.

Let me tell Mrs Dunne what advice I have received from DUS on this matter—the people who build our roads for us, Mrs Dunne. The figure for 2001 for the Gungahlin Drive extension in last year's budget was \$1 million. Clearly, if the Liberals had remained in power after the last election it was the intention of DUS to undertake more detailed design along the lines of the work that the Snowy Mountains Engineering Corporation, SMEC, have now undertaken for the government's preferred western alignment. Arising from this study—this is the advice from Urban Services—it would have been necessary to revise the overall figures, with the revised figures to be incorporated into future budgets. So there was no way—no way—that they could deliver a four-lane road for \$32 million. So why does Mrs Dunne keep trotting around the community saying, “We were going to do it for \$32 million and it was going to be four lanes”?

Mr Speaker, all that they are going to deliver is a four-lane road that finishes in a paddock somewhere in Bruce. That is all they are going to deliver. Mrs Dunne knows that is all they are going to deliver but she continues to seek to mislead the community on this point. There is no way, based on current prices, the Liberals could build a four-lane Gungahlin Drive extension for \$32 million. Mr Speaker, a road to nowhere is all Mrs Dunne is promising.

### **Gungahlin Drive extension**

**MS TUCKER:** My question to the Minister for Planning also relates to his recent announcement regarding the route of the Gungahlin Drive extension. Minister, your proposed route goes through the car parks of the AIS, which I understand is land held under lease by the AIS—a lease that will not expire until 2010. Could you tell the Assembly whether the government intends resuming this lease; whether you will be paying compensation to the AIS for the lease or building replacement car parks on another part of the AIS land; and whether this cost has been incorporated into the \$32 million you have budgeted for the road?

**MR CORBELL:** Mr Speaker, as members would be aware, the lease has always been a short-term lease, identified as such, because it was possible that a road would be built on that alignment. So the lease issued to the AIS was always a short-term lease. I am not familiar with the details of that lease, but clearly the government will take the appropriate legal steps necessary to ensure that the land is available for construction in accordance with our construction timetable. The total cost of the project, \$32 million, does take account of a range of design issues, and those are issues which are currently being assessed through the community consultation process and further discussion with stakeholders.

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In relation to car parking at the Australian Institute of Sport: yes, there will be dislocation of car parking on its existing provision on the western side of the AIS. The government has identified alternative car parking spaces to the equivalent amount that will be lost, around 1,400 car parking spaces, on a site on the northern side of the AIS campus within the same walking distance to Bruce Stadium as the car parking currently provided for that facility.

**MS TUCKER:** Mr Speaker, I ask a supplementary question. My question really related to the cost. Could you please come back to the Assembly and tell us whether you will be carrying the cost of moving that parking, will you be needing to pay compensation to resume the lease, and will you be resuming the lease?

**MR CORBELL:** Mr Speaker, clearly the leasehold issues will need to be negotiated with the Australian Sports Commission, and that is the process the government will embark upon. In relation to any potential costs arising from that, I will take the question on notice and provide further advice to Ms Tucker.

### **Capital works**

**MRS DUNNE:** Mr Speaker, my question is to the Treasurer. Treasurer, last week members of your government announced that it was going to proceed with a series of capital works projects which had been included in this financial year's budget. These included the construction of Horse Park Drive, Drakeford Drive duplication, William Hovell Drive duplication, Barry Drive upgrade, and 20 or so bridges. These were costed by your government at \$34 million. Are these projects the same as those that appear in the 2001/02 budget handed down in May last year?

**MR QUINLAN:** I will have to check the detail for you—off the top of my head, I have not got them all. But certainly there is rollover from last year's budget. Amid a great deal of fanfare, the Liberal government last year announced a very substantial capital works budget, I think intending to spend something in the order of \$160-plus million, which I think included those projects. Let me refer to the latest estimate I have on the capital works returns. Extending on the reports which I think were tabled in this place at the last sitting, I think the estimated expenditure for this year is about \$120 something million.

The capital works project of last year will not be reached. What comes forward, of course, is the rollover of some of those projects that are necessary, and the normally expected work in process is rolled forward because not all those projects are going to be completed in one year. I think I have said this in public, so I can say it before the budget speech is delivered: there is an anticipation that there will be a very solid capital works program through the next financial year as a result of what has been effectively undone in the current financial year.

**MRS DUNNE:** Mr Speaker, I have a supplementary question. Treasurer, if the costings of \$34 million that you have already agreed to and that were prepared for these road projects were correct last year, and are still correct as per your government's announcements last week, why have you been unable to accept last year's estimate for the Gungahlin Drive extension, which was \$32 million and which your cabinet colleague, Mr Corbell, now claims cannot be built as a four-lane road but rather as a two-lane road, although it was estimated and agreed to in the last capital works?

**MR QUINLAN:** You look at a whole lot of projects. I can't say I am totally familiar with each and every one of them, but if the people before us—that is you—got it wrong, then it would seem to me to be commonsense to put it right.

### **Budget leaks**

**MS MacDONALD:** Mr Speaker, my question is to the Treasurer. Can the Treasurer say if he has seen reports in the media of the Leader of the Opposition being upset at the release of budget information by the government prior to the budget today?

**MR QUINLAN:** Thank you, Ms MacDonald. I have to confess that I did, in previous times, criticise the Leader of the Opposition when, as Treasurer, he started leaking forward budget material during the draft budget process. I want to point that out and I feel a bit mortified about having done that. I did criticise him for leaking information, I think before Christmas one year, for a May budget. I don't recall particularly criticising the then Treasurer for leaks immediately in the week or so leading up to the budget, and I would be happy to be corrected on that.

But I did read in the *Canberra Times* that the ACT Liberal Party has “lashed out” at the government about the amount of information being leaked to the media ahead of Tuesday's budget; and Mr Humphries said he was “shocked” by the amount of information being leaked. Mr Speaker, that is an extract from the *Canberra Times* of recent days. I just happen to have an extract from May of last year. Under the heading “Chief Minister in favour of leak early, leak often tactic”, the article stated:

Chief Minister Gary Humphries claimed the “leak early, leak often” approach as his own yesterday, announcing the much pre-announced ACT Budget of 2001.

Making the distinction between himself and the former leader, Kate Carnell, Mr Humphries was quoted as saying:

It ... seemed to me to be bizarre—

“bizarre”, Mr Speaker—

to put all the eggs in one basket.

So what was bizarre a year ago now is pernicious.

**Mr Stanhope:** It is shocking.

**MR QUINLAN:** What was bizarre last year is now shocking this year.

So thank you, Ms MacDonald. I did want the opportunity to confess that I had criticised the former Treasurer for leaks that were carried out during the draft budget process. However, I did really want to also put some perspective on the issue, on the leak early, leak often tactic, which apparently is the brainchild of the former Chief Minister, Mr Humphries.

## **Community space**

**MS DUNDAS:** My question is to the Minister for Planning, but it is not about the Gungahlin Drive extension. Minister, considering the shortage of community space in Belconnen, and of art exhibition space in particular, will the government defer any land allocations in the Belconnen town centre area until the report of the Belconnen community facilities study is complete?

**MR CORBELL:** Mr Speaker, I would be interested to know exactly what land Ms Dundas is referring to. If she is saying we should delay the release of more residential land or commercial land, clearly that is an issue which I don't believe is necessarily appropriate. If Ms Dundas is concerned about particular sites, I would be happy to hear about them and take that into account in the process.

**MS DUNDAS:** Mr Speaker, I ask a supplementary question. To provide more information for the Minister for Planning, I point out that the Belconnen master plan notes that a portion of section 187 on the shore of Lake Ginninderra should be used as community space, and several community groups have called for the construction of a cultural centre on this site. Will the minister refrain from releasing section 187, which is marked down as commercial on the land release program, until a feasibility study has been completed or prepared?

**MR CORBELL:** Mr Speaker, I am not familiar with the details or the timing of any proposed release of that site, so I will provide some further information to Ms Dundas.

## **Gungahlin Drive extension**

**MR PRATT:** Mr Speaker, my question is to the minister for sport. Mr Quinlan, the AIS, Canberra Stadium, the Bruce campus of the CIT, the ACT Academy of Sport and the sports training oval immediately to the south of Canberra Stadium are all tightly located within the Bruce precinct for a purpose. They are all interdependent, with students from Bruce CIT and the academy using facilities at the AIS, the training oval and Canberra Stadium. AIS officials and research staff need access to the CIT. The future success of sport and its scientific development depends on this close-knit association.

Minister, will not the bulldozing of a 100-metre-wide trench through the middle of this sporting fraternity disrupt the sporting, education and research capability of this community? Will not our students, athletes and researchers be severely inconvenienced by this ridiculous "road in a trench" forced through their habitat? Will not this option split asunder the future development options for this "blue-chip" site?

**MR QUINLAN:** First of all, can I congratulate Mr Pratt on the colourful nature of the question, delivered with words such as "splitting asunder" et cetera. There was quite a little bit of theatre there. But I think the question boiled down to: "Why can't the coach cross the road?" I am informed that Battye Street, which provides access to the Canberra Stadium, will still remain open. So I am presuming that people who want to get from one side of the road that splits asunder Bruce precinct would probably use the bridge.

**MR PRATT:** Mr Speaker, I have a supplementary question. Minister, how will you explain to the people of the ACT that the narrow interests of a few residents and your planning minister are more important than the future of one of Australia's prime sporting locations?

**MR QUINLAN:** Let the record show the words "the narrow interests of a few residents". Well, those few residents are growing in number in Gungahlin, Mr Pratt, and I don't think they are all that pleased that your political machinations are delaying the road that will allow them to arrive in other places in Canberra. So if I were to explain to the residents of Canberra, Mr Pratt, what particular problems there are, I would be explaining that there seems to be a bloody-minded political agenda on the part of the Liberals to frustrate the construction of this particular road. That is the explanation that I would give.

I would suggest that if we get a little bit of cooperation from the other side of the house, then this project can be completed, and this project can then provide the same access that most of us enjoy in getting around this town. Why you people want to discriminate persistently against the people of Gungahlin just for political points, I do not know.

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

## **Appropriation Bill 2002-2003**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (3.00): I present the Appropriation Bill 2002-2003, together with its explanatory memorandum and the following supplementary budget papers:

Budget 2002-2003—  
Financial Management Act, pursuant to section 10—  
    Speech (Budget Paper No 1)  
    Budget at a Glance (Budget Paper No 2)  
    Overview (Budget Paper No 3)  
    Budget Estimates (Budget Paper No 4)  
Shaping Canberra's Future

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

Before I deliver the budget speech, let me say that recent departmental changes may mean that the bill will be amended at a later date when the detail is worked through thoroughly.

Title read by Clerk.

**MR QUINLAN:** Mr Speaker, it is my singular honour to present the 2002-03 budget for the Australian Capital Territory.

This budget incorporates the principles and commitments on which the government stood at the last election.

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It is a budget that reflects our vision of Canberra as a strong, confident and prosperous community asserting its place in the country's affairs as the nation's capital. It is a vision both of inclusiveness and of supporting those in need.

This budget delivers on the promises we made to the citizens of Canberra. Our plan to shape Canberra's future has seven priority areas and these are being addressed through this budget. These areas are education, health, planning, community engagement, safety, sustainability, economic growth and public service capacity.

Mr Speaker, we promised 20 new police for Canberra. This has been delivered. We promised \$27 million more to be spent within the school gate. This has been delivered. We promised an additional \$1 million both for respite and disability services and for mental health. This has more than been delivered. The list is extensive.

This is a responsible budget. It delivers a modest general government sector surplus of \$5.7 million, and across the four-year budget and forward estimate period it delivers an aggregate budget surplus of \$21.2 million. It keeps Canberra in the black over the four-year planning horizon.

The deficit predicted for 2003-04 is, in large part, attributable to the planned introduction of a better system of land development that will generate greater revenue returns in subsequent years.

Mr Speaker, it has not been an easy budget to prepare. The very buoyant economic conditions that gave comfort to the last couple of budgets are expected to tighten somewhat. There have been several other challenges for this budget, and hard decisions have had to be made.

This budget, Mr Speaker, was required to be framed within the context of modest revenue growth with which to fund a number of expenditure priorities and of pressures which can no longer be ignored. It incorporates provisions that rightly should have been included in the budget of the previous government.

Mr Speaker, since coming to government we have been faced with a number of financial issues which the previous government had not addressed—issues which are not small in dollar value or insignificant in their importance to the people of Canberra and to the running of an effective government. Mr Speaker, I can only speculate as to the reasons why some matters were not provided for in the budget of 2001.

Mr Speaker, the Liberals had promised a jail. No capital funding was provided. Labor has now picked up the tab, or at least half the tab. A planning provision of \$50 million has been set aside from the cash reserves to fund the construction of a new remand centre in 2003-04. This is a much needed facility for Canberra, and after years of neglect I am pleased to say that there is some concrete progress on this front.

Mr Speaker, the Liberals had committed to the funding of a medical school. No budget funding was provided. Labor has now picked up that tab and has provided both a capital and an ongoing contribution to the medical school.

The last Liberal budget ignored the impending nurses salary settlement, as it ignored other very obvious wage and salary pressures. That budget also presumed a clearly unachievable clawback in public sector superannuation. In so doing it set out to create a legacy to be met in future years.

Losses made by CTEC and the Totalcare quarry, and the parlous state of Disability Services pointed out by the Gallop report, add to the pressure on this budget delivered today.

Mr Speaker, it has become obvious that the information technology base has been neglected in funding. This budget provides the largest ongoing commitment to funding the cost of information technology across the public service. This budget picks up the bill for information technology modernisation, which ought to have been much further advanced.

Mr Speaker, I could go on, but perhaps I will just remind members of the costs that were dealt with by this government in the second and third appropriation acts of 2001-02, in which the majority of items related to inherited problems.

This is an honest budget, Mr Speaker. This is a budget that is robust and financially sound.

Mr Speaker, the key principles of this government's fiscal strategy are:

- maintenance of a balanced budget over the economic cycle;
- adequate provision for long-term liabilities;
- provision of the highest possible standard of government service, and maintenance of service levels, having regard to growth and monetary inflation;
- a strategic approach to capital works programs;
- relative conservatism in investment policies;
- maintenance of a low level of debt; and
- retention of a high international credit rating.

This government is committed to these principles and will, over our first term, ensure that each of these is promoted.

Mr Speaker, this government asked the Assembly standing committees to participate in the process of identifying service delivery and service prioritisation outcomes for the 2002-03 budget. The six standing committees made a total of 11 recommendations and two conclusions. Today I will also table the government's response to those committee reports.

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

Mr Speaker, I now turn to the economic output. While output has been down on expectations during 2001-02, demand in the ACT has been far more buoyant than originally expected. State final demand for 2001-02 is now expected to grow by 4.1 per cent, compared with the previous budget estimate of 3 per cent.

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Household consumption growth has exceeded expectations as consumers have taken advantage of low real interest rates and substantially increased their use of revolving credit.

Public consumption, which is predominantly Commonwealth government expenditure, has also increased more than expected.

Private investment rebounded strongly this year, supported by dwelling investment as a consequence of lower interest rates and the first home owner scheme. This is reflected in building approvals and housing finance commitments, which are both well up in year-to-date average terms.

In 2002-03, growth in state final demand is forecast to slow to 2.8 per cent as higher interest rates and lower growth in public expenditure impact on demand. Beyond 2002-03, moderate growth in demand is forecast, based on moderate growth in public consumption and subdued growth in private consumption.

Mr Speaker, the pattern of employment growth in the ACT is more volatile than that of Australia, due to the size of our labour market and our narrow employment base, which is greatly influenced by the public sector.

Employment in the ACT grew by 2.7 per cent in 2000-01, in year-average terms, reaching record levels in the process. Employment levels were well down in the first seven months of 2001-02 but have been increasing since.

Notwithstanding this recovery, the extent of the earlier decline means that employment levels are not expected to grow in this financial year.

The revised outlook for 2001-02 is a considerable downward revision on last year's budget estimate of 1.3 per cent. The decline in employment was evidenced mainly in tourism, hospitality and related sectors. This is attributed to the collapse of Ansett and the lengthy recess of the Commonwealth parliament in the period prior to and after the federal election.

Employment in 2002-03 is expected to recover and grow at 1 per cent, and is forecast to remain at or around this rate of growth for the next few years. This reflects a return to normal conditions. However, employment will remain dependent on public expenditure growth.

This budget contributes to job growth. In the public sector there will be some churn, but the overall impact will be increased public sector jobs.

Mr Speaker, I now turn to our priority areas.

## **Education**

Education is of strategic importance to Canberra and a key investment in our future. That is why this government has delivered on its promise to invest a further \$27 million in education over the period of this budget. This is on top of maintaining per capita funding to education in real terms.

Mr Speaker, this government will provide funding of \$1.2 million to reduce year 3 class sizes in government schools and will ensure children in our primary schools are given a solid start in their education. This will also mean that 55 additional teachers will be employed to achieve these class size reductions, 40 in 2003 and 15 in 2004. A further \$1 million capital funding will be provided for additional demountable classrooms.

The needs of adolescents in government high schools are also being addressed, particularly the needs of those at risk of not achieving satisfactory outcomes. Funding is being allocated for high school development and for a review of counselling and career services.

Information technology in schools is also receiving a high priority, with \$1.68 million provided over four years for the laptops for teachers program. A further \$1.06 million has been allocated to upgrade general information technology capacity across government schools. Expansion of the information technology capacity of Catholic systemic schools will also be enhanced by the provision of a \$250,000 per annum grant.

This budget also provides capital funding for the construction of a new primary and high school in Gungahlin.

Not all of the \$27 million election commitment has been committed in this budget. Provision has been made to allow future initiatives to come forward, and it is this government's hope that there will be a number of worthwhile proposals coming forward from the inquiry into ACT education funding and other forums where the community has input.

## **Health**

Mr Speaker, a quality public health service is essential. Labor will address the health care of those with the greatest need.

This is a strong budget for health. The budget delivers on our promises to increase resources in mental health, disabilities and respite care.

This budget provides funding of \$1.4 million for mental health. Additional health professionals will be provided to increase the service capacity of the ACT Child and Adolescent Mental Health Services. Funding of \$2.1 million over four years will also be provided for the Adolescent Mental Health Day program.

This government will spend an additional \$1.1 million for services to allow carers of people with disabilities, the mental ill and the frail aged to access respite care services. \$300,000 of growth moneys will be provided for psychogeriatric services.

Finally, funding on indigenous health will be boosted with an additional funding of \$170,000 for the indigenous youth drug project—a project to develop indigenous-specific detoxification beds with mainstream service support.

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This government made an assessment of the state of the finances in relation to the Canberra Hospital shortly after coming to government and acted quickly to address the previous government's funding shortfall. We honoured our election commitment to provide an additional \$8.7 million in 2001-02 and the budget year and an additional \$6 million per annum across the forward years.

Mr Speaker, this budget will allocate funding of \$616,000 over four years from health growth funds for psychosocial support services for cancer clients. This program will support people newly diagnosed or awaiting confirmation of a cancer diagnosis, survivors of cancer and bereaved families.

Funding of \$1.03 million over four years has also been provided for health growth funds for additional haematology services at the Canberra Hospital. The program will provide comprehensive cancer services for patients from the ACT and region and will support the treatment of additional patients in line with the demand for services, which continues to grow as a result of the increased rates of cancer. This funding is a commitment by this government, foreshadowed at the time of the election, to the provision of a range of excellent services for people with cancer in the territory.

The growth in need for radiotherapy services is also funded, with \$1.356 million over four years for additional radiotherapists and growth in the services of radiation specialists. This program will support a comprehensive cancer service in the ACT, which is well placed to meet the growing demands for services, and again continues the government's commitment to address staffing issues in critical areas of health service provision in Canberra.

Mr Speaker, the structure and governance of the ACT health system have been reviewed and informed by the findings of the inquiry into disability services and the Reid review. Only last week we announced the creation of a new department for the provision of disability, community services and housing.

From 1 July 2002, the new Department of Disability, Housing and Community Services will take over the functions of the Office of Disability and Disability Services. Housing will also transfer from the Department of Urban Services, and a number of functions will transfer from the Department of Education and Community Services. The management of home-based palliative care, currently in Community Care, will be moved to the ACT Hospice, which is operated by Calvary Health Care.

## **Planning**

Mr Speaker, Labor is committed to a strategic, integrated vision for a sustainable Canberra. We will consult and collaborate with Canberrans to develop this vision, which involves a strategic planning framework. We will target outcomes such as sustainable redevelopment within inner Canberra, balanced land supply and use, and sustainable transport systems. We will create an independent planning authority that works to protect the garden city image of Canberra. Quality redevelopment design will be actively promoted.

The government has already started on this priority area, with \$1.83 million provided per annum for the implementation of a number of planning initiatives, including the establishment of an independent planning authority, community advisory panels, a secretariat for all neighbourhood planning groups, master planning programs for neighbourhood plans and local centres, and the establishment of a planning appeals commission to replace the Administrative Appeals Tribunal.

This budget provides a further \$350,000 for the development of the strategic planning framework and the strategic spatial plan. The plan will inform other decision-making processes by setting a vision for the next 25 to 30 years based on community expectations and concerns. It will be a flexible working document with a built-in review process, integrating other strategies of government, including economic and social plans.

From 2002-03, land development will occur through a mixed program of full government development and public/private partnerships. In the early years there will also be a program of selling some estates with a higher level of planning for private sector development.

### **Community engagement and safety**

Mr Speaker, this government is committed to promote Canberra as a safe place to live and work.

This government promised 20 new police in the territory. This budget provides funding to achieve that goal. The government has also acted quickly to address the urgent need for improvement in remand facilities. The Periodic Detention Centre will be upgraded to a temporary remand facility, and additional custodial and program delivery staff will be employed to operate the upgraded facility. An additional 30 beds for remandees will be provided. Additional funding of \$7.1 million will be provided to achieve this long overdue improvement. It says in the speech that it will be four years. I expect the period to be a lot shorter.

Mr Speaker, this government has a strong commitment to cultural diversity. Language skills and cultural understanding are particularly important in helping people from diverse backgrounds become contributing members of the community. This government is providing \$208,000 over four years for a new grant program to assist in the operation of community language schools in the ACT. We will also provide \$416,000 over four years in grants to support multicultural community broadcasters and community radio stations to provide programs of interest in community languages.

Mr Speaker, this government is eager to foster a vibrant, diverse community with high rates of community participation. Central to this will be our commitment to supporting the arts.

This will be a welcome budget for the arts in the territory. This budget restores the \$800,000 funding to the National Institute of the Arts that was slashed by the previous government. This will provide for a wide range of services to the community, including music education programs in primary and secondary schools and colleges. It will provide support for professional orchestral programs and art and new media activities in public places.

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Innovative projects in the arts will also benefit from this budget. Additional funding of \$1.764 million over four years will be provided to further develop arts programs such as the Cutting Edge initiative, enhancing the role of major local arts organisations and presenting a new program of artworks in public places.

### **A sustainable Canberra**

Mr Speaker, this government is committed to achieving a balanced approach to meeting economic, social and environmental goals. We will preserve the things that Canberrans love about the territory and enhance our legacy to future generations. Sustainability cannot be achieved overnight. It requires a long-term approach, one that builds on experience and an expanding knowledge base.

This government has moved quickly on this priority with the establishment of the Office of Sustainability. The office has already begun work to ensure that sustainability will be incorporated into all government programs and initiatives. The concept of sustainability will feature in our key strategic plans—the economic white paper, the social plan and the spatial plan.

We have also provided funding of \$1.2 million for solar hot-water rebates and other greenhouse initiatives and additional funding for nature conservation of \$1.5 million over three years.

This budget continues the contribution towards producing the *State of the Environment Report*. Additional funding of \$375,000 will be provided over four years.

An important part of a sustainable Canberra is our public transport system. As promised, the government has introduced single-zone travel for ACTION bus patrons. A sustainable transport plan will be undertaken to develop a comprehensive transport strategy to serve the ACT to the year 2020. The strategy will include public transport, new parking arrangements, bicycles, pedestrians, roads, and land use and transport integration.

The introduction of pay parking in Belconnen and Tuggeranong is an important part of the government's transport strategy, which is designed to provide incentives to encourage transport through modes other than the private car. This complements the single-zone bus fares being introduced in ACTION. This initiative will also make parking arrangements in Belconnen and Tuggeranong consistent with other major centres in the ACT.

Mr Speaker, I am pleased to announce that this budget will fund the purchase of a number of new buses, which demonstrates the government's ongoing commitment to improve the accessibility of buses over a 20-year period. Funding of \$17.2 million will be provided over five years for this purpose.

This government has provided a significant increase in the base funding of ACTION to address cost pressures that are being faced by ACTION. Major items include rising insurance premiums, the cost of purchasing spare parts from overseas, a new requirement to pay for bus registration and an overall raising of base funding to a sustainable level.

Of course, efficiencies will be expected over the next four years, with the level of funding reducing in the last two years, reflecting efficiencies that have been identified in an independent consultant's report.

### **Business development**

Mr Speaker, the economic white paper will provide a forward-looking strategic approach to the sectors that we should be nurturing and those areas in most need of attention. This is a key document for the territory, one that is essential for us if we are to maintain the vibrancy and standard of living that we all currently enjoy. It is a simple fact that we need sustainable economic growth to do this.

It is also worth while to highlight the fact that the white paper will represent a significant first for the territory, reflecting the government's approach to long-term planning, which is in stark contrast to the Liberals' haphazard approach to economic development.

Business programs have been reviewed and restructured in this budget to redirect resources towards areas of growing priority and to prune tired programs. In particular, we have made every effort to ensure support for the key growth theme promoted in last year's election campaign—the ACT's accelerating transition to a knowledge-based economy.

Including all administrative costs and estimated payroll tax exemptions, the government will allocate \$44 million in 2002-03 to business-related programs in the economic development portfolio, a significant increase on 2001-02.

The knowledge fund is the centrepiece of our new business initiatives and will address a full range of commercialisation problems for existing businesses and start-up companies that promise technological development and job growth in the ACT.

Mr Speaker, employment growth is a priority for this government. We have allocated \$500,000 over two years to assist small businesses to make the leap to employ their first staff member. The obligations that go with hiring an employee can be daunting at first, and the government believes that this initiative will generate up to 500 new jobs.

Mr Speaker, it is important for us that we are seen as a destination of choice for business conventions. Canberra has much to offer. The government is actively pursuing alternatives for the development of convention facilities that would best suit and promote Canberra as a convention destination.

Tourism is also an important industry for the ACT. It directly contributes about \$1.1 billion of visitor expenditure to our economy each year. This budget provides additional funding of \$200,000 per annum for the national capital education tourism project, a successful program attracting schools to visit Canberra and the ACT as part of their school curriculum.

The capital works program also contains \$135,000 to upgrade the Visitor Information Centre on Northbourne Avenue.

## **Rebuilding capacity**

Mr Speaker, this government is committed to investing in the public service—the staff and the infrastructure—to ensure that the community’s expectations of the public service are met. We will revitalise the public service, giving it the respect and confidence to undertake its vital role, targeting outcomes such as a skilled and innovative public service, governance and accountability frameworks, and evidence-based policy development.

Mr Speaker, the budget will fund a number of overdue information technology initiatives that have been neglected in past budgets. InTACT will receive \$10.1 million funding in 2002-03 for a number of fundamental projects such as server replacements, local area network replacements, and information security. Mr Speaker, these are bread-and-butter projects aimed at just maintaining the capacity and integrity of our information technology platform.

The budget also provides funding for upgrading two of the government’s fundamental business systems: PERSPECT (the personal and related payroll system) and the whole-of-government Oracle government financial system. These are fundamental systems for effective running of government.

Mr Speaker, this budget incorporates the benefits of a number of savings programs across most departments. This includes the cessation or winding back of a number of initiatives introduced by the previous government. The government will be introducing improved budgetary frameworks for more rigorous assessment of public expenditure across the public service. The need for sound decision-making, processes and procedures in relation to the use of taxpayer dollars has been highlighted in a number of Auditor-General reports over the past years. There is always room for improvement and it is my intention to improve financial rigour over the term of this government.

Against a background of flat revenue growth, this government will be placing more emphasis on the cost-effectiveness of all programs across government rather than the marginal distribution of “surplus” funds. To assist in this, we will be forming an Expenditure Review Committee with a broad charter to:

- examine the funding base and outputs of government programs for cost-effectiveness;
- examine the financial status of new initiatives prior to such initiatives entering into the budget process; and
- identify and possibly consolidate programs delivered across a number of agencies.

If I might ad lib, already some of that work has come through cabinet.

This committee will develop a rolling program of reviews over the next three years and will go to ensure that government services to the community are always provided as efficiently as possible.

Mr Speaker, \$1.077 million will be provided over the next four years to address increased workloads within the property and commercial and the litigation areas of the Government Solicitor’s Office. The Director of Public Prosecutions will also receive

indexed base funding of \$165,000 per annum to address significant increases in workload.

### **Capital works**

Mr Speaker, let me turn briefly to the 2002-03 capital works program. This budget contains a capital works program to the value of \$91.2 million, with \$56 million of that to be spent in 2002-03. This program is both responsible and manageable in light of last year's drive to commit every available cent.

The gross capital expenditure for 2002-03 is expected to be \$141.4 million when planned work in progress and underachievement in 2001-02 are taken into account.

This new works program will maintain investment in making the city attractive and the standard of our facilities high. It will also invest in providing much needed new facilities.

The program provides \$735,000 for the arts, the majority of which will be spent on the maintenance of our arts facilities. The Supreme Court building will undergo disabled access works of \$1.4 million. The traffic congestion and road safety improvement program will continue, with \$34.4 million to be spent in 2002-03.

In relation to new facilities, the budget provides for two new schools, a new Woden police station and a \$50 million planning provision for a much needed new remand facility.

### **Superannuation**

Mr Speaker, I turn now to superannuation. One of the key financial principles of this government's fiscal strategy is adequate provision for long-term liabilities. The budget provides for additional cash over and above that set aside in previous budgets.

An additional \$18.8 million will be provided in 2002-03, rising to an additional \$25.4 million in 2005-06. Mr Speaker, this provides for two things. The first is the increase in the liability that was not included in previous budgets, on the assumption that the PSS scheme would be closed to new entrants. The second is the supplementation of funds due to poor investment return in 2001-02.

This continues the strategy of having 90 per cent of the territory's superannuation liabilities funded by the year 2039-40.

### **Taxation and revenue changes**

Mr Speaker, in formulating the budget, the government quite sensibly examined its current tax base, the general share and capacity of various sectors to contribute to government revenue as well as forecast economic indicators affecting future revenue collections. The revenue initiatives announced in this budget will assist the government to maintain the revenue capacity to continue funding essential services and new spending initiatives, while maintaining a competitive tax system in the ACT.

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The government aims to improve the fairness and progressiveness of the ACT tax system by minimising the additional tax burden on the less well-off sectors of the community.

From 1 July 2002, the rates of duty on conveyancing will increase to generally match the combined mortgage duty and conveyances duty imposed in New South Wales and other jurisdictions. The new rates will have minimal impacts on properties at or below average ACT house prices.

Payroll tax revenue will increase marginally for 2002-03, due to the changes applied to the value of fringe benefit tax and the inclusion of the definition of eligible termination payments in the payroll base. Again, the majority of ACT small and medium businesses will not be affected, as they remain tax free, or well below or well below the national average under the tax threshold of \$1.25 million, which is the most generous in Australia. Contrary to public reports, the threshold will not be lowered.

Land tax exemption currently available to properties held by companies and trusts will also be reduced. This will provide greater equity in the land tax regime and lessen opportunities for tax avoidance. Exemptions will still be available for various trusts set up for compassionate purposes and for companies and trusts held by builders and developers for construction purposes.

In recent years, while residential land valuation has increased significantly, land valuation for the non-residential sector has remained stable, despite strong economic indicators and strong profitability experienced by most businesses. Non-residential properties will pay marginally increased land tax rates, partly to restore the contribution of the business sector to the land tax base.

It is to be remembered that, despite significant increases in land values, all general rate increases were pegged at CPI. This represents a considerable saving for all property owners this year.

Last year the territory government provided \$30 million to the workers compensation supplementation fund as a result of the HIH collapse. The outstanding liability of the fund is around \$61 million. The previous government had also proposed a levy on workers compensation premiums this year in order to fund the remaining burden, following similar action in other jurisdictions. The government has decided not to apply this levy this year. This should save the average business around \$150 in premiums. Legislation will, however, be introduced later this year to allow for a levy, when a final decision is made and more is known about the appropriate size of the levy to be made.

The increase in motor vehicle registration fees and the introduction of paid parking in Belconnen and Tuggeranong are integral to the government's transport strategy, which is designed to provide incentives to encourage transport through modes other than private cars.

It is important to highlight, Mr Speaker, that the revenue measures contained in this budget are far outweighed by the very significant increases in services this government will provide to the people of Canberra. In short, the money is very well spent.

## **Conclusion**

Mr Speaker, this is a robust, responsible budget. It is a budget that delivers on our promises. Yes, it contains a few moderate tax increases. But it addresses genuine need in our community. It seeks to help those in most need of help.

This budget contains no new borrowings. It has been constructed under the handicap of a need to incorporate millions of dollars in commitments that truly ought to have been included in the budget of 2001-02.

It has a level of capital works, and provisions for business stimulation, that will ensure Canberra continues to grow in economic strength.

I commend the 2002-03 budget to the Assembly.

**MR SPEAKER:** Mr Quinlan, would you move that the bill be agreed to in principle.

**MR QUINLAN:** I move:

That this bill be agreed to in principle.

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

## **Revenue Legislation Amendment Bill 2002**

**Mr Quinlan**, pursuant to leave, presented the bill and its explanatory memorandum.

Title read by Clerk.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (3.38): I move:

That this bill be agreed to in principle.

Mr Speaker, the Revenue Legislation Amendment Bill 2002 amends the Payroll Tax Act of 1987 and the Rates and Land Tax Act of 1926 to give legislative basis to the revenue initiatives announced in the budget of 2002-03. The amendments to the Payroll Tax Act bring the payroll wages base into line with other jurisdictions.

The provisions change the value of fringe benefits to the fringe benefits taxable amount, which is the grossed-up or tax inclusive value of the fringe benefit. They also amend the definition of wages to include the lump sum payments for annual leave, including associated bonuses and loadings, payments for unused long service leave, and so much of any eligible payment that would be included in the assessable income of an employee. This ensures that non-assessable payments, such as payments for years of service, are not included in the payroll net.

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This bill amends the Rates and Land Tax Act. Currently, all residential properties that are not rented are exempt from land tax. Under this bill, from 1 October 2002, residential properties owned by companies or trustees will become liable for land tax, even if they are not rented. Existing land tax exemptions for land use for primary production, the Commissioner for Housing, retirement villages, nursing homes and religious institutions will continue to apply.

Exemptions from the new land tax provisions will be provided in the situation where: a property is held by a builder's or developer's company for the construction of residential premises; a property is held by a trustee in relation to a deceased estate or a person under a legal disability; a property is held by a trustee but occupied by a person with a life tenancy under the will of a deceased person, and not-for-profit housing companies.

Another provision of this bill increases the marginal land tax rates from 1 October 2002 for all non-residential properties with average unimproved values above \$100,000. These rates have not been amended since the introduction in 1993. There has been a shift in the land tax burden away from non-residential to residential properties. The rate of increase for non-residential properties will address this imbalance.

Mr Speaker, I commend the Revenue Legislation Amendment Bill 2002 to the Assembly.

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

## Papers

**Mr Speaker** presented the following paper:

Parliamentary privilege—Examination of documents—Letter of advice to Mr Speaker from the Deputy Clerk and Serjeant-at-Arms in relation to the examination of documents which are the subject of seizure under warrant, pursuant to paragraph (3) of the resolution of the Assembly of 7 March 2002, as amended on 9 May 2002, dated 5 June 2002.

**Mr Quinlan** presented the following papers:

### **Ownership agreements**

2002-2003 Ownership agreements between the Treasurer and Chief Executive and Executives from the following agencies:

Chief Minister's Department, dated 20 and 21 June 2002.

Department of Education and Community Services, dated 19 and 20 June 2002.

Department of Health and Community Care, dated 20 and 21 June 2002.

Department of Justice and Community Safety, dated 19 and 20 June 2002.

Department of Treasury, dated 21 June 2002.

Department of Urban Services, dated 21 June 2002.

A.C.T. Forests, dated 20 and 21 June 2002.

A.C.T. Housing, dated 21 June 2002, dated 20 June 2002.

A.C.T. Occupational Health and Safety Commission (Workcover), dated 20 June 2002.

INTACT, dated 18, 29 and 20 June 2002.

Land, dated 20 and 21 June 2002.

### **Statements of Intent**

Financial Management Act, pursuant to section 58—2002-2003 Statements of Intent from the following authorities:

- A.C.T. Community Care, dated 19, 20 and 21 June 2002.
- A.C.T. Gambling and Racing Commission, dated 20 June 2002.
- ACTION Authority, dated 20 and 21 June 2002.
- A.C.T. Insurance Authority, dated 19 and 20 June 2002.
- Agents Board of the Australian Capital Territory, dated 13 and 20 June 2002.
- Australian International Hotel School, dated 21 June 2002.
- Canberra Cemeteries, dated 18 and 20 June 2002.
- Cultural Facilities Corporation, dated 18, 19 and 20 June 2002.
- Canberra Institute of Technology, dated 19 and 20 June 2002.
- Canberra Tourism and Events Corporation, dated 19 and 20 June 2002.
- Exhibition Park in Canberra, dated 6, 19 and 20 June 2002.
- Gungahlin Development Authority, dated 20 and 21 June 2002.
- HealthPACT, dated 20 and 21 June 2002.
- Independent Competition and Regulatory Commission, dated 19 and 20 June 2002.
- Kingston Foreshore Development Authority, dated 20 and 21 June 2002.
- Legal Aid Commission, dated 20 June 2002.
- Public Trustee for the Australian Capital Territory, dated 20 June 2002.
- Canberra Stadium, dated 20 and 21 June 2002.
- The Canberra Hospital, dated 20 and 21 June 2002.
- Workers' Compensation Supplementation Fund, dated 20 June 2002.

## **Budget consultation**

### **Reports of standing committees—government response**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (3.43):  
Mr Speaker, for the information of members, I present the following paper:

Standing Committees—Reports relating to the service delivery and service prioritisation outcomes for the 2002-2003 Budget—Government response, dated June 2002 in relation to the following:

Report No 1 of the Standing Committee on Community Services and Social Equity: *Priorities for Service Delivery in the 2002-2003 ACT Budget*, which was presented to the Assembly on 9 April 2002;

Report No 1 of the Standing Committee on Education: *Inquiry into 2002-2003 Budget*, which was presented to the Assembly on 9 April 2002;

Report No 1 of the Standing Committee on Health: *Budget Consultation 2002-2003*, which was presented to the Assembly on 9 April 2002;

Report No 1 of the Standing Committee on Legal Affairs: *Priority Issues for Service Delivery in Legal Affairs within the 2002-2003 Budget*, which was presented to the Assembly on 9 April 2002;

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Report No 2 of the Standing Committee on Planning and Environment: *Service Delivery—2002-03 Budget Consultation Process*, which was presented to the Assembly on 9 April 2002; and

Report No 1 of the Standing Committee on Public Accounts: *Service Delivery 2002-2003 Budget Consultation Process*, which was presented to the Assembly on 9 April 2002.

I move:

That the Assembly takes note of the paper.

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

## **Residential, commercial and community land releases Paper and statement by minister**

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): For the information of members, I present the following paper:

Residential, Commercial and Community Land Releases in the ACT—2002-2003 to 2005-06.

I ask for leave to make a statement.

Leave granted.

**MR CORBELL:** Mr Speaker, for the information of members, I am pleased to table details of the government's land release program for 2002-03, and the indicative program for the financial years 2003-04 and 2005-06. The program covers residential, commercial and community land releases. For the next financial year, blocks for approximately 2,100 residential dwellings and 18 commercial sites are being prepared for release. In addition, I am pleased to advise that a further 950 blocks will be prepared for release if market conditions require.

This is an ambitious program which will ensure that, for the first time, supply will be able to fully meet demand in the ACT. Over the next 12 months, sites suitable for retirement complexes and adaptable housing will be prepared for release.

The program for next year gives emphasis to expanding the Gungahlin town centre. Approximately 700 residential dwellings will be released, as well as additional retail and commercial sites.

Mr Speaker, this year we will see the Kingston Foreshore Development Authority deliver the first of its residential dwellings, to be released as stage 1A. This will be a total of 175 dwellings, with a further release of 175 residential dwellings, known as stage 1B, to follow later in the year. This program, when completed, will see up to 1,900 new dwellings on the foreshore.

As a general principle, land will continue to be released through open and competitive processes. Open and restricted auctions will be used, although tenders and direct sales may be considered for significant developments, to encourage investment in the territory, or to achieve specific business or community outcomes.

The government will commence land servicing in 2003-04, phasing-in over a period of three years. This will provide access to serviced land by individual buyers and smaller builders. Market conditions and market demand for additional land will determine the timing and number of releases. Releases will be made in close consultation with peak bodies, industry groups, and across government.

The document tabled today will be circulated to all community councils, LAPACs, and neighbourhood planning groups. It will also be available to the wider community through the government's website.

## Papers

**Mr Wood** presented the following papers:

Legislation Act, pursuant to section 64—  
Animal Diseases Act—Declaration of endemic stock disease quarantine area—Disallowable Instrument DI2002-46 (LR, 23 May 2002)  
Custodial Escorts Act—Custodial Escorts Regulations 2002—Subordinate Law 2002 No 11 (LR, 4 June 2002)  
Public Place Names Act—Determination of street nomenclature in the Division of Kingston—Disallowable Instrument DI2002-55 (LR, 6 June 2002)  
Road Transport (General) Act—  
Revocation and Determination of Fees—  
Vehicle Registration—Disallowable Instrument DI2002-52 (LR, 3 June 2002)  
Driver Licences—Disallowable Instrument DI2002-53 (LR, 3 June 2002)  
Declaration that the Road Transport Legislation does not apply to certain vehicles or persons—Disallowable Instrument DI2002-54 (LR, 5 June 2002)  
Road Transport (Third-Party Insurance) Amendment Regulations 2002—Subordinate Law 2002 No 12 (LR, 4 June 2002)  
Road Transport (Safety and Traffic Management) Regulations 2000—Declaration of Parking Authority 2002—Disallowable Instrument DI 2002-51 (LR, 31 May 2002)

## Statute Law Amendment Bill 2002

### Detail stage

Debate resumed.

**MR SPEAKER:** This morning, the chamber graciously adjourned proceedings in relation to this matter in order for me to take some detailed advice in relation to the amendment by Ms Tucker which was before the house. I am now in receipt of advice and will table it as soon as I have ruled on the matter. However, I will draw the following matters to the Assembly's attention, and will quote from the advice.

The long title of the Statute Law Amendment Bill is "A Bill for an Act to amend or repeal certain Acts and regulations for the purpose of statute law revision." Schedule 1 of the Bill is headed "Minor Amendments", schedule 2, "Structural

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amendments” schedule 3 “Technical Amendments”. The explanatory memorandum to the Bill states that:

- the objective of the Bill is to further enhance the ACT’s statute book to ensure that it is of a high standard and that the Bill does this by amending acts and regulations for statute law revision purposes only; and
- the Bill forms part of the technical amendments program for ACT legislation—the essential criteria for the inclusion of amendments in the BILL being that the amendments are minor or technical, and non controversial.

I do not need to explain Ms Tucker’s amendments—they are all before the house. My advice, according to the Clerk, can be summarised as follows:

Given the scope of the Act as set down in the explanatory memorandum and, particularly, the scope of Schedule 3, my advice is that the amendment is out of order as it exceeds the scope of the Bill.

I rule accordingly and table the advice.

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

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 3.51 pm.**

## Schedules of amendments

### Schedule 1

#### **Statute Law Amendment Bill 2002**

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#### Amendments circulated by the Attorney-General

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**1**

#### **Schedule 2**

#### **Amendments 2.4 and 2.5**

**Page 7, line 18—**

*omit*

**2**

#### **Schedule 2**

#### **Amendment 2.8 heading**

**Page 8, line 19—**

*omit*

#### **Section 146 (6)**

*substitute*

#### **Section 146 (4)**

**3**

#### **Schedule 3**

#### **Amendment 3.952**

#### **Proposed new section 17 (1) (b)**

**Page 380, line 1—**

*omit proposed new section 17 (1) (b), substitute*

(b) a committee that includes a member of the council; or

(c) a member of the staff of the university.

**4**

#### **Schedule 3**

#### **Part 3.93**

**Page 396, line 14—**

*omit*

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Schedule 2

**Statute Law Amendment Bill 2002**

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Amendment circulated by Ms Tucker

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**Schedule 3**  
**Amendment 3.64**  
**Page 36, line 14—**

*omit amendment 3.64, substitute*

**[3.64]Section 3 (h)**

*substitute*

- (h) a person (whether of the same sex or a different sex) who, immediately before the death of the deceased person, was living in a de facto marriage relationship with the deceased person.

**Explanatory note**

This amendment updates the description of de facto spousal relationships, with the result that the meaning of *member* of a deceased person's family is extended to include a de facto spouse of the same sex as the deceased person.

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