



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

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2005

## Tuesday, 3 May 2005

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**Tuesday, 3 May 2005**

**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.

### **Death of Hon Al Grassby, AM**

**MR SPEAKER:** May I acknowledge the presence in the gallery of Mrs Grassby, a former member of the Assembly.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): I move:

That the Assembly expresses its deep regret at the death of the Hon. Al Grassby, AM, former Minister for Immigration, former member of the House of Representatives for Riverina and former member for Murrumbidgee in the NSW Legislative Assembly and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

**MR STANHOPE:** There are few individuals who will leave this life having contributed as much, or touched and improved the lives of so many, as Al Grassby, the father of Australian multiculturalism. He may be best and most widely remembered for the sweeping changes to our national self-image he ushered in during his time as immigration minister in the Whitlam government, but those short few years were just an episode in a long and full life of advocacy, a life of sustained service and unswerving principles.

Similarly, the aspects of Al's character that were so prominent during those high-profile years, in particular his ability to draw all kinds of people into his orbit and sweep them along with enthusiasm, do not paint a full portrait of the man known to many thousands of Canberrans. For these thousands, Al Grassby was not just a politician or former politician but also a family man, a friend, a stalwart of the Labor Party, a fine, true public servant, a republican and a Canberran through and through.

Al Grassby strode the political stage at a time when there were plenty of colourful characters populating the Australian parliament. On the Labor side alone Al had some fierce competition in the personality stakes from the likes of Gough himself, Fred Daly, Diamond Jim McClelland and Barry Cohen. Even among such company Al Grassby distinguished himself.

Perhaps it was his Irish-Spanish heritage that gave him the desire for a sartorial and personal flamboyance that was not common in Australian public life at the time. Perhaps it was this heritage too that made him understand the true potential of multicultural Australia and to comprehend the distance Australia would have to travel before it could truly accept and embrace a multicultural future.

Al Grassby's public life began when he won for Labor the traditionally conservative rural seat of Riverina in 1969. He repaid his constituents' faith many times over,

developing a reputation for being one of the fiercest and most loyal members Australian politics had ever seen.

Although he was born in Brisbane, Al Grassby's early years involved a great deal of travel. He spent many of his formative years in England, where he enlisted in the army after his father's death in an air raid. Courted by the British Labour Party, Al declined the offer of preselection, instead returning to the country of his birth and joining the ALP in his early 20s.

There comes a defining moment in the life of most politically active individuals; with Al perhaps it was his move to the Riverina town of Griffith, where he came face to face with the reality of life as experienced by many first-generation migrants—mainly Italian farmers and farm workers.

As early as the 1950s, Al was helping to improve the quality of life of these newest Australians. He helped establish one of the country's first bilingual radio programs, funded from the profits of a continental music club. In 1962 Al married Ellnor and one of Australia's most colourful political partnerships was born, followed within a year by another birth—that of their daughter, Gabriella.

Al became secretary of the ALP branch in Griffith before being elected the state member for Murrumbidgee in 1965. A few years later Al was persuaded by Gough Whitlam to run for the federal seat of Riverina. He won the seat—one of the biggest in the country—in 1969 with a 26½ per cent swing.

As Minister for Immigration in Gough Whitlam's government from 1972 to 1974, Al Grassby was responsible for profound reforms to Australian immigration and citizenship law. These were reforms that changed forever the way Australians saw themselves and their place in the world.

Al achieved an astounding amount in a few short years. He pushed for changes to the citizenship act so that Asians and Europeans were put on an equal footing with British applicants for citizenship. In part as a result of his advocacy on citizenship, the number of migrants taking up citizenship rose by almost 50 per cent between 1972 and 1973.

Among other things, Mr Grassby was responsible for giving the parents of Australian-born children the right to remain in the country, taking the words "British subject" off Australian passports, granting passage assistance to Vietnamese orphans and abolishing discrimination in the awarding of tourist visas.

Al pushed for the exclusion of racially selected sporting teams from Australia and for the removal of limits on the amount of non-English language programming on television and radio. In the area of services he oversaw the establishment of migrant education centres in the state capitals. He also established an immigration advisory council committee to look at discrimination and exploitation of migrants and migrant access to community services. Al funded emergency classroom accommodation so that migrant students could receive specialised help, and oversaw the development of a home tutoring scheme aimed at helping migrant women adapt to their new home.

Al Grassby was also a great advocate for the rights of this country's very first inhabitants. It may seem astonishing in 2005 that when Al Grassby became a federal minister in the early 1970s, provisions of the Migration Act required indigenous Australians to seek the government's permission to leave Australia. Al was outraged and ensured that the provisions were taken off the books.

Upon the passage of the Racial Discrimination Act in 1975, Al Grassby became Australia's first Commissioner for Community Relations. His lifelong interest in activism, humanitarianism and multiculturalism was recognised and honoured in 1985 when he received the Order of Australia and again the following year when he was awarded the United Nations peace medal.

After his parliamentary career ended Al Grassby chose to make his home in Canberra, where he involved himself in a range of community causes and events, including the National Multicultural Festival. His advice, counsel and experience were called upon by many community-based multicultural organisations. Over the years he authored and co-authored a number of books, his words proving as powerful and entertaining on the page as they were in a face-to-face chat.

Al remained extremely active in the local ALP, giving his time and experience as an officer holder in the Belconnen sub-branch for many years. He became a life member of the Australian Labor Party in 1997. He supported Ellnor's successful tilt at and time in the ACT Assembly.

Al Grassby believed in the power of persuasion, the value of debate and the excitement of ideas. Ideas, debate and persuasion in genial company over good food and wine were the ingredients that made up the Grassby lunches at the National Press Club, which were always well patronised by community leaders, politicians and diplomats, and which raised money for Al's favourite charity, Open Family.

Al Grassby had a talent for connecting with other people. He went out of his way to connect with and make welcome all kinds of individuals regardless of culture, religion, politics or social class. Al was one of those rare individuals who could talk to anyone and make anyone feel that their opinions and views were valued. He made people feel special.

Al Grassby's enduring legacy is a nation remarkably free of the racial anxiety and tensions that were once part of daily life. He once said that multiculturalism meant everybody—from the Anglo-Saxons to the fellow who arrived yesterday from Vietnam. And he meant it, valuing all aspects of our heritage and also seeing that heritage in all its imperfect glory.

Thousands of Canberrans will carry with them into the future a vivid image of Al decked out in one of his flamboyant ties or one of his even more flamboyant jackets. For many he embodied the brief period of high hopes and great expectations that was the Whitlam era.

For many thousands more, of all political persuasions, Al will be remembered as a champion of those who arrive on our shores seeking a better life. His legacy is

immense and I extend the deepest condolences of the ACT government to his widow, Ellnor; daughter, Gabriella; and other members of their family.

**MR SMYTH** (Brindabella—Leader of the Opposition): On behalf of the opposition I rise to join in this condolence motion about Al Grassby and extend our sincere wishes to Ellnor; to his daughter, Gabriella; and to his grandson, Khedra.

All Australians have probably heard of Al Grassby. That cannot be said for many politicians. No matter what you thought of his politics, I think it is the way Al approached life that endeared him most to Australians. He was not a man who stepped back from life; he was a man who embraced life and then just took it forward. While Minister for Immigration, he became famous for wearing his colourful ties. I quote something he recently told the *Age* newspaper:

The ties came with the Whitlam government because I decided that we were liberated from a dull and colourless past to a new and colourful Australia. And it just went from there.

And, well, didn't it go! Whether you agree with the full content of that statement or not, I think the memory most Canberrans would have of Al is the man about town with the ties and the clothing who had an opinion on everything—a man who was able to sell his opinion and back it up.

You did not have to agree with Al but you were always in for a good argument. I think it was the passion he had for life and for being himself that people will remember. Cameron Murphy recalled the story of the day when a young Al Grassby took his British Army private's uniform to an Italian tailor to be remade. You can see it happening. You can just imagine him turning up on parade—the only guy with a tailored army uniform. For those of us who have served, army uniforms are not the most glamorous items of apparel. You can just see Al taking matters into his own hands, because that is what he always did. I do not know whether that came from his Irish mother or his Spanish father, but the combination of pure Celtic bloods—the Celts crossed the Irish Sea and were in both Spain and Ireland—certainly was with him in the passionate way he approached things.

Al was a man who travelled. He had a world view and I think that helped him in his time as a minister. He certainly saw the light that Brisbane was not the place to live and, having searched the world, decided that southern New South Wales, and ultimately Canberra, was the only place a man of his stature could be. That shows the knowledge and good judgment of such a man. He achieved much in his life. He was a state member, a federal member and a federal minister. There are not too many people who can say that.

I think the reforms that the Chief Minister has outlined are a testament to Al. For me the one that really stands out is the repeal of section 64 of the Migration Act 1958 to 1966. That was the last of the old discriminations against the indigenous people of Australia. It is something he should be remembered for for a long time.

I have on my bookshelf at home one of his books entitled *Six Australian Battlefields* which, written with Marji Hill, looked at different episodes in Australia's history,

whether it be Vinegar Hill or the Eureka Stockade. There is a chapter in that book that details the struggle of indigenous Australians against the settlers and colonists. He outlines quite clearly the steps they took to defend what they saw as their territory—which was in fact their territory. In that he has also left us quite a remarkable record, a record that I think we will be examining longer and harder over the years to come.

I will leave it to Mr Stefaniak, who knew Mr Grassby and Ellnor far better than I, to make more comments on behalf of the opposition. On behalf of the Liberal Party of the ACT, to Mrs Grassby we extend our condolences. It is with some sadness but with great honour that we join in this debate today.

**DR FOSKEY** (Molonglo): The death of Al Grassby is a great loss for the Canberra community. I want to pass on the Greens' condolences to his partner, Ellnor, to his daughter and to other members of his family. It is always wonderful when politicians and others who come to Canberra for work purposes decide to stay on after their term finishes. Mr Grassby came to the House of Representatives as the federal member for Riverina. I know that both Mr and Mrs Grassby played an active part in Canberra society generally and in the ALP in particular.

I was not lucky enough to meet Mr Grassby but, like many Australians, I appreciate and benefit from the work he has done in making our society a fairer place, especially for people of ethnicities other than Anglo-Saxon. Al Grassby himself was a fusion of cultures. Born in Queensland to an Irish mother and Chilean father of Spanish background, the family lived in Sudan, Italy, France, Spain and Scotland before Mr Grassby chose to return to Australia to live in Griffith, New South Wales, and work with the CSIRO.

First a member of the New South Wales parliament, Mr Grassby was elected to the federal parliament in 1969, where he served as a backbencher in the Whitlam ALP government, which was elected in 1972. As a frontbencher and member of Whitlam's cabinet, Grassby was in an ideal position to introduce policies dear to his heart.

I see the 1970s as an era that saw the introduction of many changes that made Australia fairer for Aboriginal people and Torres Strait Islanders, for women and for people from other countries seeking a better life here. The Whitlam government was the catalyst for that, riding on the back of social justice movements, which laid the social context for these changes. Those were heady days for ministers, and Mr Grassby did not muck around. Imagine being involved in repealing the odious white Australia policy. For that alone, Grassby and his colleagues need to be thanked.

Al Grassby was the first minister for immigration to endorse multiculturalism. For him this meant allowing people to maintain their ethnic identity while being welcomed into the broad Australian community. According to Gary Johns, Grassby's reforms as minister were a mixture of integration, antidiscrimination and multiculturalism.

Al Grassby repealed that section of the Migration Act that required Aborigines to seek special permission to leave the country. He secured the right of overseas students to remain in Australia when an Australian employer sought their services. He also removed limits for language programming on radio and television and established a series of migrant education centres.

When he lost his seat at the 1974 election Grassby was appointed as the first Commissioner for Community Relations and administered the Racial Discrimination Act 1975. Long after his official duties ceased Al Grassby continued to speak and work on behalf of the many ethnic communities that now make up the Australian community.

The Federation of Ethnic Community Councils of Australia and the ACT Multicultural Council in particular will miss him. Let us leave the last words to Al Grassby, who presented a snapshot of the Australian population to a conference in 2004. He said:

The 20 million Australians are made up of more than 200 different ethnicities—we speak more than 200 languages at home, and if you are planning a marriage, you have a choice of more than 100 different religions registered with the authorities to perform the ceremony ... To sum up the population changes in Australia today, 22% of people were born in another country; about three-quarters of Australians identify with an ancestry other than indigenous Australians who comprise about 2% of the population. More than 40% of all Australians have at least one parent who has been born overseas. In all, Australians come from more than 200 birthplaces.

I am still quoting Al Grassby here. It continues:

Despite all our experiences, we are still confronted by the politics of fear mainly associated with asylum seekers and refugees. As a result of the impact of armed conflict in various parts of the world, we have seen a swelling tide of ordinary women, men and children fleeing violence and seeking asylum in host countries. A very small number have sought to come to Australia...The ratios of Australia's intake of refugees per capita is 1:800 whilst Canada accepts 1:399 and Pakistan 1:95.

These are salutary words, reminding us that the fight for a tolerant, inclusive community is far from over. At least, thanks to Al Grassby and the many citizens and organizations he worked with, we now have a framework in which to address these kinds of injustices.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): I join with the Assembly in acknowledging the life of Al Grassby and paying our condolences to Ellnor and Gabriella. I would also like to acknowledge, in my capacity as the minister responsible for multicultural affairs, that it was in fact Al Grassby who motivated me many years ago to stop talking about it and start doing something about it.

As the Minister for Urban Services I would also like to acknowledge Ellnor Grassby, a former minister for urban services in this place. When I have attended functions and Al and Ellnor have been there and acknowledgments have been dished out, I have often thought how correct and appropriate it is that both Ellnor and Al were acknowledged. I sometimes wish people would acknowledge her contribution as a minister in this place a little bit more frequently, and we will see about that.

I want to talk about Al Grassby's legacy to multiculturalism in a different vein. People have outlined Al's history—and the Chief Minister has done just that in a fantastic chronology. The Leader of the Opposition quoted a story, and I think I remember the statement, about how Al Grassby had his army uniform tailored. I wish I had had that

forethought in all the years I was in the army, because I have to say it did not suit me at all.

It is interesting that Al Grassby was larger than life almost from the time he started on his journey. He had a vision that people would not be judged by the colour of their skin but by the quality of their hearts, by what they are all about and by who they are as people.

It is significant that in this city we have the best blend of multiculturalism in the world. Everywhere in the world there is some sort of segregation, whether by choice or by circumstance. In the ACT we do not have that; in Canberra we do not have that. We have people living alongside each other happily. Every now and again there will be some biff, but it has nothing to do with race; it all has to do with something else.

We celebrate the multicultural festival every year. I think—I have said this publicly and I will say it again—we have the best blend of multiculturalism anywhere in the world, and I have seen it. It comes down to Al Grassby's commitment in the first place. He said, "It can be done." He went out and did it, and the rest of us have the good fortune to follow in his footsteps.

I want to acknowledge the role Ellnor played in this too. We often think of Al Grassby tearing around the countryside doing his parliamentary duties, stoking up people to start thinking about multicultural affairs and to understand the injustices we have dealt out to the indigenous people over the years. Ellnor was left, in a sense, to raise Gabriella and keep the home fires burning. Yeah, right! Ellnor Grassby has never been that idle. Ellnor was out there advocating for people as long as she was married to Al.

I remember bringing a constituent, a friend of mine who worked for me, to Ellnor Grassby's door—and it had a cultural connotation about it. Ellnor said to me, "Leave it with me, it will be fixed by tomorrow afternoon." And it was fixed. I did not dare to ask how she did it because she is Italian, but it was brilliant.

We also know about Al Grassby's leadership in this country in sartorial elegance. That was borne out, of course, by the quote made by the Leader of the Opposition; but it was also born from Al Grassby's wicked sense of humour. I enjoyed his sense of humour on more than one occasion. In fact, I was the butt of it on more than one occasion and thoroughly enjoyed the experience.

One of the things people will remember about Al Grassby is the way he used to tear around the countryside doing this and that. I would like to read very briefly from Al Grassby's own words about one such occasion. He said:

I was member for Riverina at the time and had received an invitation to attend a wedding involving the daughter of an old family friend who was also one of my best political supporters. My wife and I set out from Griffith to drive about 100 kilometres to the neighbouring town of Leeton where the wedding was to take place in a large and imposing club complex which had a number of function rooms. I had arrived from Canberra that day, we were running late and it was all rush and puff to get there if not on time at least in time to deliver my speech to the happy couple. I had been up most of the night with some parliamentary matters and after a hectic week was pretty red-eyed and weary.

We arrived safely and not too late, rushed into the building, asked the receptionist the way to the wedding and went in to find the proceedings well under way and speeches already being made. We sat in a couple of chairs just inside the door, thinking to let the speaker finish and then find our seats at the table. Meanwhile we looked around the room at the two or three hundred people present.

‘Strange,’ I told my wife. ‘I don’t seem to recognise anyone.’ We sat on until the club manager Sid Bowyer, an old friend, arrived and said: ‘This is the wrong wedding. Yours is upstairs,’ and promptly took us away to the somewhat bewildered looks of the wedding guests.

We got upstairs and found the right wedding but the proceedings had not started. We were chatting away happily when an emissary arrived from downstairs and the other wedding with a message: ‘We know we didn’t invite you. We were happy to see you. Why did you leave?’

While we were trying to compose an answer the guests were called to their places, the couple arrived and no sooner had I sat down when the master of ceremonies rushed up to tell me the priest was running late and would not be there to say grace, and would I fill in for him?

All were seated and called upon to order and yours truly rose in his place and solemnly intoned the prayer for the Parliament. Everyone sat down and, as good Catholics all, decided the strange prayer they had just heard must be a new Protestant one and promptly forgot all about it.

This is the bit that I enjoyed most. It says:

On the way home my wife summed up the evening. ‘First you went to the wrong wedding, then you left when they wanted you to stay and you ended up leading them in the wrong prayer. Quite an achievement in one night.’

I reckon that is about right. I wanted to share another small story, which is one that amused Al. This took place a few years later when Al was in federal parliament and his daughter, Gabriella, was about five years old. Gabriella desperately wanted a cat. Ellnor said no, but one day Al brought home a tomcat. The new cat was an instant hit but would often disappear at night to make its mark on the neighbourhood.

Gabriella would get very upset that both her new cat and her dad were away. It was decided that something had to be done, so a trip to the vet was organised to de-sex the cat. The next day the cat came back from the vet and certainly did not want to go outside. This led young Gabriella to suggest to her mother that Al could be taken to the vet and maybe he would not go out so much either! Al saw the humour in that.

The last time I saw and spoke to Al was at the launch of a book about a young Iranian or Afghani girl who tried to make her way here to the land of milk and honey. It was the story of her plight and her eventual deportation back. It was a very moving launch, and I remember seeing Al there.

Every single time I ever saw that guy I was touched by his humanity; he just quietly went about his business moving mountains. If there is something that has been said here today which is absolutely correct, it is that everybody in Australia knows who Al Grassby is.

I say, “who Al Grassby is” because multiculturalism in this country lives on, and it lives on because Al Grassby gave birth to it. In fact he is truly the father of Australian multiculturalism and he and Ellnor have changed the face of Australia forever.

**MR STEFANIAK** (Ginninderra): I think I first heard about Al Grassby when I was driving a truck in the Riverina between Miranda and Wagga one cold winter’s night back in 1971 during a break at university. I was going around picking up experiments from various country airfields with some bloke doing a PhD—I was about 19 at the time.

There was this very catchy jingle that came on the radio. I will not sing it, but it went along the lines of, “Down in the Riverina, down in the Riverina, well it’s Grassby country, you hear that everywhere, down in the Riverina.” As members have said, Al was a member of state parliament and later a federal member in what is a very conservative electorate.

To achieve something like a 26 per cent swing when Al went federally speaks volumes for the man. I cannot think of too many politicians, if any, who have had a song in which they featured prominently in such a positive way. I think that speaks volumes, to start with, for the wonderful local member he was and the wonderful team he and Ellnor were to the people of the Riverina at both state and federal levels.

Having had the privilege of going to Al’s funeral, there were a lot of anecdotes told as to what he did when he was the member for the Riverina and the immense amount of work he, Ellnor and the family put in on behalf of the people of the Riverina. After that—I suppose in the 1980s—I got to know Al Grassby and Ellnor very well. I had the honour of serving with Ellnor in the First Assembly and in the latter half of the Second Assembly.

Al had a unique ability to get on with virtually anyone. He had a bubbling enthusiasm in whatever he did. He was always friendly, he was gregarious, he always had a smile on his face and he was always encouraging you—it did not matter what side of the political fence you were on.

There were a few issues on which I would disagree with Al. He certainly was a controversial character in many ways but he was full of life and had a unique ability: he seemed to know everyone, and I found that quite remarkable. I would see him at all sorts of events but especially at the multicultural events that he loved so much.

Canberra—I am old enough to remember growing up here—was a fairly staid place in the 1950s and 1960s. By the time I was becoming a young man I think we had a couple of Chinese restaurants. We certainly did not have the multicultural festival. Being half-Polish, I was well aware of some of the cultural things they did at the club but, apart from a few Chinese restaurants, the Blue Moon Cafe and a couple of Italian restaurants, there was not much here to show that we were a multicultural society.

**Mr Corbell:** Happy’s!

**MR STEFANIAK:** There was not Happy’s, exactly. That situation changed by the late 1970s and early 1980s, and I think Al had much to do with that. Mention was made of what he did with migrant students. It always gave me great pleasure, as a former

education minister, to go to migrant classes in schools and see kids in, say, years seven to 10, all together learning English and learning things about their new country, Australia. That benefited those students. That is, of course, something that still happens in our schools. That is just one of the many great legacies Al Grassby has left us.

We have some 160 different nationalities represented in Canberra now. I wonder if we would have the pleasure of having so much diversity in our community and all the benefits that go with it were it not for the sterling efforts of Al Grassby, ably assisted of course by Ellnor and his family.

To Ellnor, Gabriella and Khedra, I send my sincere condolences. Only very recently I had the pleasure of seeing Al—just before he died. As I said, he loved going to events, he loved to party, he was gregarious, he liked a good time, he liked to drink and he loved people. I was at the Spanish Embassy about two weeks before he died. Al was not well then but he was still his gregarious self. He had to sit down a lot more than he would have in his younger days, but he was still very much the life of the party, still the delightful person I had known for a number of decades. Ellnor of course was there. They were indeed a great team. To Ellnor: I think Australia has lost a magnificent man—an excellent bloke.

**MS MacDONALD** (Brindabella): A couple of years ago at Berkelouw's book barn in the Southern Highlands, I picked up a copy of a speech given by Al at the opera house when he was Minister for Immigration. In this he outlined his vision for Australia as a multicultural society. Shortly after purchasing it I saw Al and told him that I wanted him to sign it.

One of the things I like to do is collect copies of speeches and political histories, generally of the Labor Party. I cannot confess to collecting any from the Liberal Party side of things. Where I can, I like to get the author to sign them. Sadly, I never got my act together but I will always cherish my copy of that speech.

I am sure it must have given Al and Ellnor a great sense of satisfaction to see Australia blossom into the very rich society it is today but, of course, there is always more to be done. Many people have risen today and talked about the work that Al did. Dr Foskey mentioned how we owe thanks to Al for having got rid of the white Australia policy, if for nothing else.

Al, together with Ellnor, gave Australia the pointers on how to be the rich society we are now—one that has a much more open and welcoming attitude to different cultures than the Australia of the 1950s that Al came back to after the war.

Al's lunches were famous for their good conversation, company and length. I regret that I never made it to one of Al's lunches. I understand Ellnor has decided to continue those lunches and I am looking forward to being one of the participants. I will have to make sure I block out the afternoons in my diary to get along to them. I am quite sure Al's spirit, humour and panache will be present at those lunches.

We all know that Al was a man who was short in stature but I do not think there is doubt in any of our minds that he was a giant in the life of this country. Al Grassby helped to create—in fact, it could very well be argued, as I would argue, that he created it—the

rich tapestry that this country now is. For Ellnor, Gabriella and her husband and Al's and Ellnor's grandson, Khedra, I wish that the source of peace bring them peace and comfort in the memory of Al.

**MR PRATT** (Brindabella): I think the anecdote about Al Grassby tailoring his British uniform is a wonderful anecdote of his colourful, flamboyant and rather amusing but concurrently serious approach to life and business. As a young political watcher I keenly followed the phenomenon that was Al Grassby in the early 1970s. I too, was in Wagga Wagga in those years and wondered how he was able to squirrel his way into the place and take such a strong political grip. I think that says volumes for his political astuteness.

Of course, Al's political life was highly controversial—there is no stepping around that. The loss of his parliamentary seat was dramatic. We all know he had to work hard to put all that behind him, but he did so successfully. He got on with doing what he was good at—contributing to Australian multiculturalism.

There is no doubt that Al Grassby was a pioneering influence in the development of multiculturalism as a meaningful force in Australian society. By dint of his personality, as well as his strength of character, Al pushed multiculturalism along and was particularly successful in selling this new societal institution to the broader Australian community.

In more recent years Al continually played a role in multiculturalism here in the ACT. I had the pleasure, as the shadow multicultural minister, on many occasions to meet him and to discuss multicultural issues here peculiar to the ACT. He was always good for a chat.

I would like to pass on my warmest condolences to Ellnor and the family and to the ACT multicultural community and the friends within that network who were, of course, quite close to Al. On the basis of my portfolio and the issues that I have to deal with I wish Al, wherever he is now, and his family all the best.

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

**MR SPEAKER:** I thank members.

## **Standing orders—suspension**

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

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

- (1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2005-2006 and the Rates Amendment Bill 2005;
- (2) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—"That debate on the Appropriation Bill

2005-2006 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed to;

(3) at 3 p.m. on Thursday, 5 May 2005, the order of the day for resumption of debate on the question that the Appropriation Bill 2005-2006 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition 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

(4) (a) questions without notice concluding at the time of interruption; or

(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

### **Legal Affairs—Standing Committee Scrutiny report 8**

**MR STEFANIAK** (Ginninderra) (11.13): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 8—Ninth Australasian and Pacific Conference on Delegated Legislation and Sixth Australasian and Pacific Conference on the Scrutiny of Bills, dated 2 May 2005.

I seek leave to move a motion authorising the report for publication.

Leave granted.

**MR STEFANIAK**: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MR STEFANIAK**: I move:

That the report be noted.

Question resolved in the affirmative

### **Legal Affairs—Standing Committee Scrutiny report 9**

**MR STEFANIAK** (Ginninderra) (11.14): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 9—Meeting of Working Group of Chairs and Deputy Chairs—Australian Scrutiny of Primary and Delegated Legislation Committees, dated 2 May 2005.

I seek leave to move a motion authorising the report for publication.

Leave granted.

**MR STEFANIAK:** I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MR STEFANIAK:** I move:

That the report be noted.

Let me thank especially the secretary of the ACT Legislative Assembly committee office, Robina Jaffray, the Deputy Clerk and other members of the secretariat who did a lot of work in organising what was an excellent conference here at the Assembly. Thank you, Mr Speaker, for allowing us to host it. I also thank the people in the federal parliament who were involved.

It was a worthwhile conference. The results of the conference are there for all to see in these two reports. But it would not have run so smoothly were it not for the excellent efforts made by a number of people within the Assembly secretariat, and I thank them for that.

Question resolved in the affirmative.

### **Legal Affairs—Standing Committee Scrutiny Report 10**

**MR STEFANIAK** (Ginninderra): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 10, dated 2 May 2005, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Scrutiny report 10 contains the committee's comments on six bills, six pieces of subordinate legislation and seven government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Planning and Environment—Standing Committee Report 6**

**MR GENTLEMAN** (Brindabella) (11.16): I present the following report:

Planning and Environment—Standing Committee—Report 6—*Draft Variation to the Territory Plan No 237—Deakin Section 12 Blocks 9, 13 and 19 Embassy Motel Redevelopment—Proposed Residential Use*, dated May 2005, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The Standing Committee on Planning and Environment considered draft variation 237 at meetings on 11 and 27 January, 11 and 31 March and 12 and 19 April and has recommended this variation be noted, after much consultation with members of the community, officials from ACT Planning and Land Authority and several other relevant stakeholders. Block 9 section 12 Deakin is currently the site of the Embassy Motel. Block 13 is a narrow strip of land on the western boundary of the site currently used as a car park, and block 19 is an embankment. After lengthy consultation, submissions from concerned stakeholders and site visits, the committee has recommended that the draft variation of the territory plan DV237 be noted, with some minor variations.

Although the committee does recognise the change of land use policy with a B15 area specific policy overlay, there are concerns about the height of the current proposed development. With the current landscape along Adelaide Avenue being that mainly of two storeys, the committee is recommending that the development go ahead, with a height restriction of generally no higher than three to five storeys. The committee is of the view that seven storeys, as proposed in the current development plans, would be out of character with the surrounding landscape.

The committee also recommends that the landscaping plan should be consistent with the landmark development of block 19. These would include private courtyards so that the visual impact is not diminished by poor courtyard landscaping.

There were some major concerns for the traffic implications in this area. However, the committee considers that any possible added congestion would be in line with the Canberra spatial plan and the sustainable transport plan to intensify residential development within a 7.5 kilometre radius of Civic. It is also recommended that Roads ACT should assess whether additional traffic calming measures are necessary or desirable in the area.

The committee also recommends that the minister encourage ACTPLA and the local community organisations, such as Pedal Power, to run educational campaigns in the local community and encourage the use of public transport, cycling and walking, and discourage private car use. The travel smart programs could be extended to this area, and the implementation of the new flexibus service, currently being trialled in the Kambah and Gungahlin areas, will also increase sustainable transport practices in the area.

I would like to thank all those involved in the consultation process. I commend the report to the Assembly.

**DR FOSKEY** (Molonglo) (11.20): I wish to comment on the planning and environment committee's report on the proposed changes to replace the current entertainment,

accommodation and leisure land use policy for blocks 9 and 13 in section 12 of Deakin with residential land use policy with a B15 area specific policy.

I first became aware of this proposal during the run-up to last year's ACT election when I was contacted by concerned locals who, of course, have now become my constituents. Deakin residents were very concerned that this key site, so close to their shopping and community facilities, was to be redeveloped, with very little notice and opportunity for them to have a say. I have consulted with residents and wish to bring to the Assembly their assessment of the processes and outcomes related to this significant change to their suburb, of course, with an overlay of my own thoughts about it.

First of all, on the consultation: I would like to express the Deakin Residents Association's appreciation of the fact that this proposal was considered by the Assembly committee, although, of course, a change such as this usually requires a committee inquiry. Even so, the opportunity for the organisation to appear before the committee was greatly appreciated. In a sense, this was a reaction to what they felt was very poor consultation prior to their being invited to appear before the committee.

The committee's report outlines the consultation processes undertaken by ACT Planning and Land Authority (ACTPLA), the National Capital Authority (NCA) and the proponents of the development with residents of Deakin. The committee disagrees with Deakin residents' complaints about the consultation process. Nonetheless, I believe that their concerns are valid and should not be dismissed because they do not suit a committee with a majority membership of government members.

Their complaints include, firstly, the fact that consultations about the development did not include full information about the height of the proposed building. It is likely that there would have been many more objections if this highly pertinent information had been made known at this point.

Second, residents complained that advice of the planned development and opportunities for comment were sent to an ACT Assembly committee and some out-of-town town councils but not to the broader Deakin community. There was no advice to Canberra community councils, residents groups or residents, businesses or other organisations around and fronting onto main avenues and approach roads. It was the proverbial tip-off that alerted residents to the proposed development.

Third, there was the sense gained by members of the Deakin Residents Association that the outcome of the processes was a foregone conclusion due, in part, to the minister's evident enthusiasm for the development and a lack of clarity about the areas of NCA and ACTPLA's responsibility and authority in relation to consultation and to building characteristics such as height.

It is understandable that there was confusion, since the existence of federal and territory planning authorities adds a degree of complexity to decision making in the ACT, which is spared our state-based fellow Australians. It is important that correct, easily comprehended information is made available to resident groups early in the process, not halfway through and in response to insistent requests.

The question of the height of the building is the crucial one in terms of this development. The Deakin residents were concerned that there is no direct process consultation on height issues. They are uncertain about whom they should lobby since NCA has restrictions on height but ACTPLA were supposed to be consulting about it. Yet, in its official consultations with residents, it has already stated the fact that the planned development could be seven storeys was not raised.

As to the development itself: the Embassy Motel is a landmark for local residents and no doubt very popular with a number of interstate visitors. It provides accommodation close to the parliamentary triangle. From the residents' submission, ACTPLA itself has admitted that sites capable of commercial tourist accommodation use are a limited resource and once lost are not readily replaced. Like many buildings of its era, the Embassy has seen better days. But residents felt that there might be gains from refurbishing it rather than destroying it and building something that may, in another 30 years, be facing a similar fate.

Perhaps what disturbs residents most is that what they think of as their suburb is viewed by the NCA and ACTPLA as a gateway because a major road just happens to skirt their perimeter. This allows the edge of their suburb to be subject to planning measures which might produce developments that fit the grand vision held by some for parts of our city but which are out of character with their suburb as they see it.

Indeed, the other landmark developments along Adelaide Avenue are low rise and not visually affronting. The Prime Minister's Lodge, seven embassies, Canberra Girls Grammar and the former Solander Gallery are all dwarfed by the Brindabellas which frame the horizon that so many people enjoy seeing from Adelaide Avenue.

Now the community is worrying that the disused Solander Gallery will suffer a similar fate to the Embassy Motel site. This is because the new proposed wording of DA50 opens the door to the proposed seven-storey or eight-level landmark, high-density residential development on the Embassy Motel site, which mercifully the committee has recommended against, and prospectively similar development on all four sites at the crossing of Hopetoun Circuit and Adelaide Avenue.

Further, it is worth asking: is a building defined as a landmark only because of its height? Aspects such as good design, harmony with the environment and landscape setting would seem to be other equally relevant characteristics of landmark design.

The community's response to the report is that the committee's report has some very helpful elements, in particular the committee's recommendation against seven-storey development and landmarks based on height alone. The residents warmly welcome these findings. However, I note that there is still a lack of clarity because the committee recommends that the height of the Embassy Motel be restricted to between three and five storeys. I hope, for residents' sake, that the result is closer to the three than the five.

Along with the Deakin Residents Association, I welcome the planning and environment committee's inquiry and report. I note that it realises that there will be significant impacts on road use and transport in this area, which is already rather busy around school and work starting times. Here a bandaid is offered. Instead of considering whether

adding to the cause of traffic is a good idea, it suggests the introduction of programs to increase walking, bicycling and public transport. You will note that Deakin is one of those suburbs in which there is an increasingly aging population who might not take kindly to the suggestion that they get on their bike.

Of course the Greens do support programs to get people out of their cars. And we support an increase in residential density around shopping centres as long as it is in character with the existing landscapes and is the result of good consultation with residents. But we do not believe that the process for deciding the redevelopment of the Embassy Motel is a good one.

For a start, the whole thing was developer driven rather than following the normal and preferable process of declaring a site suitable for redevelopment and opening it to tender, with appropriate building controls. Indeed, the process indicates that better consultation methods and clear processes are urgently needed in the ACT.

The advice offered to the committee, ACTPLA and NCA from the Deakin Residents Association was well reasoned, useful and indicated a degree of flexibility about the outcome. It suggests productive relationships which can be developed with residents groups if they are brought into the process at an early stage and are regarded as important stakeholders with valuable insights instead of, as all too often happens in developer-driven projects where decisions are largely made before the public announcements are made, in some sense the adversary to be quelled, silenced and fobbed off.

The Planning and Environment Committee inquiry did take the residents' concerns into account. Furthermore, its report provides what is often lacking after consultation: feedback to the submitters, allowing them to feel that their concerns were, at least, heard if not acted upon.

Mr Speaker, I just want to conclude by saying that the kind of feedback offered by the committee's report should be a requirement of all consultations with residents in the ACT. Indeed, it was identified in Meredith Burgmann's report to the government a year or two ago about one of the major flaws with the existing consultation processes in the ACT.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee Report 5**

**MR GENTLEMAN** (Brindabella) (11.30): I present the following report:

Planning and Environment—Standing Committee—Report 5—*Draft Variation to the Territory Plan No. 244—Duffy part Block 2 Section 56 Stromlo*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The Standing Committee on Planning and Environment recommended that report 5 on Stromlo be noted. The committee considered draft variation 244 at a number of meetings ranging from 1 February to 12 April 2005 and has recommended—after much consultation with members of the community, officials from the ACT Planning and Land Authority and other relevant stakeholders—that this variation be noted.

As members would be aware, the village at Stromlo was heavily affected by substantial and tragic devastation during the 2003 Canberra bushfires. Many of the residents have been eager to return to the area and, as such, the committee has recommended that DV244 be noted with some minor variations. In particular, the committee is of the view that the sustainability principle should take precedence over heritage considerations, and supports the rebuilding of the Stromlo settlement and most of the general and detailed planning principles specified in the draft variation.

It is also recommended that the ACT Heritage Council consider the costs of, and benefits of, relocating a few significant examples of the Stromlo heritage items to the site of the ACT government bushfire memorial or the proposed new international arboretum site.

The draft variation aims to create a world-class example of sustainability in the rebuilding of the Stromlo settlement. To do this, the draft variation has included a recommendation that independent advice be sought in relation to the solar aspects, optimum block size, shape and layout and sustainable infrastructure for the settlement. Draft variation 244 proposes to have residential block sizes that range from 1,000 square metres to 2,500 square metres. The committee notes that 2,500 square metres is considerably larger than the block size that existed previously on the settlement.

The low density of the rural settlement is also to be retained and further subdivisions will not be permitted. Draft variation 244 has also included as a general planning principle for the Stromlo settlement that the block subdivision should ensure that the solar advantage and aspect is maximised and guided by the ACT energy guidelines 1993. During consultations with the Stromlo Observatory, including with Mr Mike Bessel, astronomer, it was discussed how lighting would impact on the further functioning of the observatory.

Taking this into consideration, the committee invites the ACT Planning and Land Authority and the Chief Minister's Department to consider the recommendations of the report on outdoor lighting in the ACT by a former planning and environment committee of the Assembly, and the dark sky policy adopted by the Currumbin ecovillage on the Gold Coast, Queensland, to determine whether similar requirements would be appropriate for the Stromlo settlement.

The committee has also recommended that all short-listed developers and builders liaise with the Chief Minister's Department and the Land Development Agency, also with the Australian government's Department of Environment and Heritage, as to whether some or all of the houses at Stromlo should be fitted with photovoltaic systems and have access to the Australian government's rebate program.

In the past, the Stromlo settlement has been a close-knit community and, with the devastation of the 2003 bushfires, the community has remained close. The

redevelopment of the Stromlo settlement will help the healing process for the residents affected and, in the view of the committee, careful consideration has been given to the outlying plan in DV244. It is recommended that the location of pathways and footpaths be given careful consideration, these pathways and footpaths should be suitable for the use of people of all ages and capacity and should provide optimum links with community facilities such as schools, local shopping centres and public transport. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee Report 7**

**MR GENTLEMAN** (Brindabella) (11.35): I present the following report:

*Planning and Environment—Standing Committee—Report 7—Draft Variation to the Territory Plan No. 205—Deakin Block 11 Section 68 (Oasis Leisure Centre) proposed office use, together with a copy of the extracts of the relevant minutes of the proceedings.*

I move:

That the report be noted.

The Minister referred a copy of the draft variation 205 to the committee for consideration and report on 20 September last year. As a result of the October election, consideration was held over for the standing committee of the Sixth Assembly. The committee considered DV205 at meetings in January, March and April of this year. Committee consultation included a site visit on 11 January this year with Mr Neil Savery, chief planning executive, and Mr Hamish Sinclair, manager of the territory plan coordination section. During the visit, Mr Savery and Mr Sinclair responded to the questions of the committee. The site visit was followed up with public hearings in relation to the proposed variation. Submissions were invited by way of advertisements in local papers and letters to stakeholders. Submissions received are listed in the report I tabled today.

The committee considered key issues raised in submissions to and in hearings with the committee including many concerns reflected in the Deakin local area plan. The committee's consideration of DV205 related to the proposed office use of Deakin block 11, section 68, the Oasis Leisure Centre. The variation seeks to vary the written statement by adding a specific policy to the relevant block. This variation would enable the lessee to erect a building for office use to a height of three storeys. Currently the block is subject to entertainment, accommodation and leisure land use policy under the territory plan, which reflects the current siting of the Oasis Leisure Centre.

The block currently contains a swimming pool, indoor sports complex, gymnasium, child-care centre, pathology laboratory and medical suites. The swimming facility was originally government owned but was later sold to a private firm. It is currently in urgent need of substantial renovation as the infrastructure, which is more than 30 years old, is currently in poor condition. The variation includes provision for variance of the purpose

clause, which requires that the indoor pool be refurbished to the satisfaction of the territory government before the variation of the unit plan can occur.

Draft variation 205 seeks to enable the lessee of the pool to recover substantial funds that will be expended on the refurbishment of the pool. This is a valuable community asset. The pool has an average daily attendance of 400 people. This importantly includes large numbers of children attending learn to swim classes. Further, the location of the pool near two hospitals and three retirement villages means that it is an important health facility for the Deakin community and surrounding areas. This factor was extensively considered by the committee and deemed to be of significant consideration in relation to draft variation 205.

The approval of amendment 44 to the National Capital Plan by the minister on 7 March 2005, and its subsequent tabling in the federal parliament, allows major office employment to be located within defined areas of the ACT. The Deakin site falls outside these defined centres but advice from the National Capital Authority to the committee suggests that the variation to the territory plan could include the Deakin site within such a centre. There was some confusion as to the precise nature of the advice from the NCA because of the reference errors in the amendment.

Clarification of the position suggests that the intent of the NCA's position is a requirement for amendment by both the NCA and the ACT Planning and Land Authority to extend office sites. Further, the two agencies should discourage further office employment in West Deakin outside the defined office employment centre, and the extension of the area should only be considered if it is in the public interest. This requires extensive consideration of the full transport and environmental effects of such decisions.

The environmental and transport impact of the proposed variation was raised in the public hearings held by the committee in consideration of the draft variation and in line with the advice of the NCA. In particular, rezoning to allow higher order uses caused concern to some residents of the area, and the increase in traffic through rezoning and development caused concern in relation to community use of the surrounding public spaces.

The committee discussed the traffic issues with ACTPLA officials who advised that the Deakin traffic plan was under development, including West Deakin. The issues relating to transport and to environmental impact, those raised as necessary by the NCA, are not included in the draft variation, which was prepared prior to amendment 44. After committee consideration, we feel that the transport and environmental consideration given to the variation is insufficient in the light of the NCA amendment and, to avoid inconsistency with this, it should be reflected as a revised variation. The jurisdictional relationship between the National Capital Authority and the ACT Planning and Land Authority means that any ACT government enactment is invalid to the extent that it is inconsistent with the national capital plan. As such, the advice of the NCA means that ACTPLA should have traffic and environmental issues fully assessed or discourage office development on the proposed site.

This position is reflected in the recommendations of the committee in this report. Recommendation 1 of the committee recommends that the development of a master plan for the West Deakin area should identify an enlarged designated office employment area

and specifically considers transport and environmental issues. The recommendation further suggests that if unavailable in the 2005 and 2006 budget, delivered today, the issues raised should be addressed in a revised DV205 or in a new draft variation.

Various recommendations were made by the standing committee of the Fifth Assembly in relation to West Deakin, relating to limitation on building height and recommended consistency with the Deakin local area plan. The latter importantly prioritises making West Deakin a lively, accessible, safe and well-maintained commercial, professional and community environment with a strong commercial, professional and community spirit. This is reflected in the security concerns in recommendation 2, which seeks to ensure security lighting for nearby car parking facilities.

Refurbishment of the pool is clearly relevant to these ends, and throughout the plan the importance of public transport and environmental efficiency and minimal effect has been emphasised. These concerns were reflected in the consultation process undertaken by the proponent of the variation under statute and by the committee—particularly the poor quality of the infrastructure and the need for refurbishment of the swimming pool, as an important community facility, was highlighted. This is reflected in the current terms of DV205, which provides that the lease for the relevant block cannot be varied without refurbishment of the existing indoor swimming pool. The proponent objected to this requirement, on the basis that the pool has made substantial losses to date and that the company could not meet the cost of refurbishment unless the variation is approved. The committee recognises this concern about the costs associated with refurbishment to be borne by the private company.

It is the view of the committee that it would be more sensible to build an office block prior to refurbishment to allow the additional income generated to offset some of the refurbishment costs, and this was further recognised by developers who argued in public hearings that the development might no longer be economically viable. In saying so, however, it is important to recognise the significance of the pool facilities to the local community. This is recognised by the ACT government, which subsidises the operating costs of the swimming pool. The draft variation proposes a cross-subsidisation arrangement that is designed to enable the lessee to cover operational costs of the pool.

There is further concern that the ACT government is not exposed to the cost of refurbishment and that the pool remains open as a community facility for use. The committee has suggested in the report a performance bond approach to remedy these concerns and ensure the quality of community facilities available to residents of Deakin and the surrounding areas. This suggestion is reflected in recommendation 2 of the report, which suggests the building of office blocks prior to the refurbishment to offset costs, but the provision of the performance bonds, by the proponent to guarantee the quality of facilities for community use. Broad community support was expressed to the committee in public hearings for the refurbishment of the pool and, indeed, for enhancement of the facilities available to include a heated toddler pool, increased pool depth, and refurbishment of gym facilities and facilities for patients of neighbouring hospitals with disabilities, and for stretcher patients.

In particular, consideration was given to the provision of a hydrotherapy pool at the Oasis Leisure Centre for patrons with medical needs. The provision of these facilities would be at significantly increased cost to the proponent and could impact on the

competitiveness of the CISAC facility, which includes many of these facilities. Support for the idea is reflected in recommendation 4 of the committee's report I table today. This recommendation emphasises the need for access to the leisure centre for persons with a disability to fully comply with the relevant standards and guidelines. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Statute Law Amendment Bill 2005**

Debate resumed from 17 March 2005 on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra) (11.45): Initially, I had a five-page speech on this but, looking at the time, I think it is probably rather ridiculous to give that. This is one in a series of bills that: firstly, makes some minor non-controversial amendments initiated by agencies; secondly, makes structural amendments to the Legislation Act and the Legislation Regulation, as initiated by the Parliamentary Counsel's Office; and, thirdly, makes some technical amendments, also initiated by the Parliamentary Counsel's Office. I thank the Parliamentary Counsel's Office for coming and giving me a briefing on this largely non-controversial legislation.

I note on this one that the Chief Minister is going to move one amendment in relation to the University of Canberra Act. That is going to be dealt with in a different bill and we are certainly supportive of that. Looking through this bill, it does make, as I said, some minor amendments. One that I note with interest, and which might interest some people here, is the amendment to the Domestic Animals Act 2000. That act currently provides that a cat curfew may operate between stated times. This amendment is to make it clear that a cat curfew can operate on a 24-hour basis. I would be interested in getting feedback on how the cat curfew is working—if it is working at all. It might be something that is virtually impossible to police but I would be interested in receiving some feedback on that. That does not seem to be a particularly problematic amendment so the opposition will be supporting this particular piece of legislation.

**DR FOSKEY** (Molonglo) (11.47): Mr Speaker, I support this bill and acknowledge the importance of the technical amendments program. It is laudable to continue to improve the quality of the ACT statute book so that our laws are kept up to date and accessible to the public. I recognise that the integrity of the Statute Law Amendment Bill has been protected by the removal of proposed amendments to the University of Canberra Act 1989, after it was found that these amendments could be controversial. All other proposed amendments appear to be minor, technical and non-controversial and, as such, they have our support. I see particular benefit in the changes to the structural amendments of Legislation Act, which will potentially simplify the development and presentation of amendment bills.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.48), in reply: I thank members for their support. This bill carries on the technical amendments program that continues to develop a simpler, more coherent and accessible statute book for the

territory through minor legislation changes. It is an efficient mechanism to take care of non-controversial, minor or technical amendments to a range of territory legislation, while minimising the resources needed if the amendments were dealt with individually.

Each amendment is minor but when viewed collectively they are a significant contribution to improving the operation of the affected legislation. For example, the narrowing of the grounds on which prohibition notices may be issued under the Dangerous Substances Act 2004 and the Occupational Health and Safety Act 1989 removes potential anomalies from these acts. The amendments to the Legislation Act 2001 ensure that the overall structure of the statute book is cohesive and consistent and kept up to date with best practice. In particular, the broadening of the group of people who can request a notification of registrable instruments reflects operational experience that the existing provisions are unnecessarily restrictive.

I would once again like to express the government's ongoing appreciation for members' continuing support for the technical amendments program. It is an example of the territory leading the way and striving for the best—in this case a modern, high quality, up to date, easily accessible statute book. As has been mentioned, the government will move an amendment to the bill during the detail stage, removing amendments to the University of Canberra Act 1989 from the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.50): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendment [*see schedule 1 at page 1732*].

As has been indicated, there has been some representation from members of the University of Canberra community who have raised some concerns about aspects of the proposed amendments to the University of Canberra Act 1989. As members know, and it is the basis on which we proceed, the statute law amendment program is designed to deal with, and does and should only deal with, minor or technical amendments and repeals that are not controversial. It is on that basis that we continue with a statute law amendment process, and it is important that members do have confidence that only technical, minor and non-controversial amendments will be incorporated within the legislation.

That was the government's view initially, and that was the case with amendments proposed to the University of Canberra Act. But, on the basis of some representations that we have received, we are, of course, more than happy to remove those proposed amendments—which we initially saw as fitting within the scope and ambit of a statute law bill—from the bill. They will be dealt with separately. It really is just in order to ensure the integrity of the statute law process that the government has moved to delete

reference to the University of Canberra Act and its amendments from this particular bill. As I said, we will proceed with those separately.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Pest Plants and Animals Bill 2005**

Debate resumed from 17 March, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**DR FOSKEY** (Molonglo) (11.53): The Greens support this legislation with some changes. We have been advocates for many years of the need for a strong legislative framework to control pest plants and animals. Back in 1996 my predecessor Lucy Horodny commented on the ACT weeds strategy:

We note that the strategy does not propose taking a strong legislative approach to weed control. Much of the discussion of legislative options for dealing with weed control that was contained in the draft weeds strategy has been dropped from the final version. We agree that cooperation from the public needs to be gained for implementing many parts of the strategy, but there also needs to be strong legislation backup in case that public cooperation is not obtained.

Subsequently, also in 1996, some provisions relating to pest plants and animals were incorporated into the land act. These provisions, while an improvement, did not go far enough. So we are very pleased that we now have a stronger legislative framework before us. We believe that this legislation is a great improvement on the provisions that were in the land act. There are a few provisions in the proposed legislation that we think could be tighter and, if incorporated, would make the legislation more effective in meeting its objectives. Therefore, in the detail stage I will be moving some amendments.

The importance of this legislation is highlighted by the findings of a recent CSIRO report, commissioned by the World Wide Fund Australia. The report found that 40 per cent of the most damaging weeds to farmers have escaped from Australian gardens. According to the WWF: "Garden plants make up 94 per cent of the 27,000 introduced plant species in Australia, and are by far the biggest source of weeds totalling 70 per cent of Australia's combined agricultural, noxious and natural ecosystem weeds. They contribute to the \$4 billion annual cost of weeds to agriculture."

Other findings of the report show that nurseries are still selling 33 per cent of the emerging weeds for grazing industries; 20 per cent of the weeds impacting on rare and threatened native plant species; 25 per cent of the weeds of national significance; and 25 per cent of the invasive plants on the world's worst invasive alien species list. The report also states that "states and territories generally have low rates of prohibiting for sale those invasive and potentially invasive garden plants naturalised in their respective jurisdiction", with the ACT cited as the weakest, with no formal legal measures. The report, however, does also mention the success of the ACT voluntary scheme in

restricting the sale of known invasive species in the ACT. But, as it states, this is over a period of 10 years and after an impressive degree of persistence. This legislation changes that and makes it an offence to sell or recklessly supply prohibited pest plants or prohibited pest animals.

The legislation also provides for certain plants and animals to be declared as pests. Once declared, there is scope for the development of pest management plans, as well as capacity for specific pest management directions. Overall, it provides a legal framework to control and manage declared pest plants and pest animals.

I would here like to mention another WWF report, which came out only last month and therefore did not inform the government's legislation—*Making state weed laws work*, an issues paper by Andreas Glanznig. This report states that state weed laws are weak, as they have overly narrow lists of declared weeds that are prohibited for sale, and they are generally reactive rather than proactive. The report argues that all naturalised invasive or potentially invasive garden plants should be prohibited from sale. WWF recommends that “all states and territories amend their respective noxious weed legislation to enable all agreed national important weeds to be prohibited for sale”.

The success of this new legislation in controlling and managing weeds will in part depend on the number of prohibited pest plants, and I hope some fresh consideration is given to this list and to making sure it includes all invasive plants. In the context of pest plants, I like the precautionary element of the Western Australian legislation, which assumes that “plants are guilty until proven innocent”.

The report also argues that, with the exception of Western Australia, it is possible to legally import a vast number of plants without any form of risk assessment. The report uses the example of bearskin fescue, an ornamental tussock grass that went on sale through a major wholesale nursery in Victoria last November although it has the potential to become a grazing and environmental weed. By contrast, in Western Australia its import was subject to a risk assessment under plant quarantine laws. That risk assessment confirmed its potential to invade south-western Australia, most of Victoria, the New South Wales tablelands—no doubt the ACT—and north-east Tasmania. Consequently, bearskin fescue is now a prohibited import in Western Australia. That is a quarantine issue. However, it does highlight how we might still be creating new weed problems.

It is also important to remember that legislation is just one part of managing weeds; we still need to do all the other things that are part of the ACT weeds strategy. The Greens support a review of the effectiveness of the ACT weeds strategy and the ACT weed control program. The weeds strategy was agreed to in 1996 and was a 10-year plan, so it is timely to have a review. We have done a lot over the last nine years, but a review will provide an opportunity to assess where we are and what more needs to be done. Furthermore, we need to ensure that nurseries are brought into this process to reduce weeds and that they do not feel as though the legislation is imposed upon them.

I understand that the Conservation Council supports this legislation. I do not believe that the bill is contentious and I am pleased to support it; but, as noted earlier, I will move some amendments in the detail stage that will make the legislation more robust and able

to perform the task I believe the government intends—that is, to check the spread of pest plants and animals in our territory.

**MRS DUNNE** (Ginninderra) (12.01): The Liberal opposition will be supporting this bill in principle, but with some reservations. As Dr Foskey has said, since the introduction of the weeds strategy in 1996 a whole lot of work has been done, or should have been done, to deal with the huge problem to land managers of invasive weeds. As Dr Foskey has pointed out, the weeds cost Australian farmers \$4 billion a year and seriously degrade and devastate natural areas, resulting in the decline of many native species.

As we know, the history in Australia of the introduction of invasive plants has been a sorry history, with some spectacular examples. For those of us who grew up in different climes, the prickly pear cost Australian rural industries, even in those far distant times of the forties, fifties and sixties, millions of pounds. The eradication of the prickly pear was a difficult project but has, for the most part, been successful through introduction of a biological control. But biological controls in themselves are problematic.

While the Liberal opposition will support this bill, it is not our preferred option. This bill is an infinite improvement on what currently exists on the ACT statute books. Inaction over a number of years by successive governments has meant that our provisions in relation to invasive weeds in particular are in a parlous state. We have the worst legislation in the country if we are to believe *Making state weed laws work*, the paper put out by the World Wide Fund.

I know that many people's eyes glaze over—and many of my colleagues' eyes glaze over—at the discussion of the impact of invasive weeds. We have to look at it in economic terms. For every land manager, weeds are an ongoing problem. They consume a large amount of time. They reduce the fertility and productivity of farmland. They displace native species in nature reserves and that has an impact on the whole ecosystem. As we have seen, for farmers alone it costs \$4 billion per year to deal with invasive weeds.

What this legislation does is improve a bad situation; but it does not go nearly far enough. I am very disappointed that the government has got to the stage of saying, in the words of Caesar, *quod scripsi, scripsi*—what I have written, I have written—“This is good enough and we can't make it any better.” What the World Wide Fund discussion paper *Making state weed laws work* points out is that we can do much better than this current situation.

What this piece of legislation does is essentially bring our parlous laws up to a state where they are comparable with New South Wales law. There is a lot to be said for moving in concert with New South Wales, because we are an island in New South Wales, and working with them to improve the regimes for dealing with pest plants and animals, particularly in this case where our major focus is on invasive weeds. But just to say we are now up to scratch with New South Wales is not good enough. There is much more that can be done, and it seemed to be a coincidence that this discussion paper arrived on the desks of members in this place about three or four days after the pest plants and animals legislation was introduced. It would be unreasonable for us to expect the government to take the recommendations of this extensive discussion paper into

account in the drafting of the legislation. But now that we actually have a well-credentialed organisation coming forward and saying, “Here are some pointers and here are some models for how you might craft legislation,” we think the government should not sit back and say, “We can’t make it any better. We have created infallible legislation” but, rather, “What can we learn from a well-credentialed organisation, supported by research by the CSIRO? What can we learn to make our legislation better?”

There are lots of problems with our legislation, which is why I will propose, before we get to the detail stage, that this legislation be referred to the Standing Committee on Planning and Environment so that the planning and environment committee can look at it, and Dr Foskey’s amendments, which for the most part are meritorious, in the light of the new work that has come to light from the World Wide Fund.

I have spoken to the Chief Minister, the Minister for the Environment, and he says that he will not support that, but I still propose to move that the bill be referred to the planning and environment committee, so that the Chief Minister can give his reasons why he thinks he cannot improve this environment legislation any more. I think it is because he is basically too lazy; he wants to get something on the books so he can say, “I’ve done something. We must do something; this is something and therefore we must do this,” which is the usual approach of this Labor government, especially when it comes to the environment.

I will quote just a few snippets from this report:

Weeds cost Australian farmers \$4 billion per year and seriously degrade vast natural areas resulting in the decline of many native species.

Yet, State and Territory weed legislation is generally ineffective in stopping the legal importation of new invasive plant species, as well as blocking the major invasion pathway for the intentional spread of those already in their jurisdictions. This pathway is the continuing sale of large numbers of invasive garden plants, most recently documented by a CSIRO report entitled *Jumping the Garden Fence*.

That has had considerable discussion in the media. It continues:

Invasive garden plants account for two-thirds of the weeds that have established in the environment in recent decades, and about 70 per cent of all agricultural and environmental weeds.

As I said before, the idea of having a nice garden brought about the prickly pear invasion, the problems we have with Paterson’s curse and a problem that is very close to home that I see quite often. I come from the North Coast of New South Wales and in one of my father’s former incarnations he was a banana grower. We spent years—literally years, through my childhood—spraying, grubbing out, eradicating lantana from banana plantations on the North Coast of New South Wales. Very recently I visited my parents and what did I find in their front garden? A new cute, beautiful lantana plant, bought from the local nursery. I said, “Dad, what are you doing with lantana in your front yard?” “I bought it from the nursery. It must be all right. It’s not like the ones that we used to grub out when you were a kid,” he replied. In fact it is just about the same; it is a little bit smaller, a little bit cuter and the colours of the flowers are a bit nicer, but it still stinks, it is still woody and it is still invasive. This is what happens: people have lost any sort of

understanding of what is happening if someone with as much experience on the land as my father would go and plant an invasive plant in his front garden believing that it must be all right because it was in the nursery. The nurseries have a lot to do, and this government has a lot to do, still. There is much good work that has been done with nurseries in the ACT—but very much through voluntary cooperation between the Conservation Council and the nurserymen, not through the actions of government.

This report goes on to talk about poor alignment between state and territory declared weed lists. This is just appalling when you think of the cost. It says:

Over 40% of the naturalised invasive garden plants declared noxious in one or more jurisdictions are still for sale in another.

So, even if New South Wales does declare lantana to be a noxious plant, we could still buy it here—and I have actually seen it in nurseries here. The report continues:

This includes Weeds of National Significance ... and other nationally important invasive plants. As the CSIRO report ... notes “while plants can be moved freely inter-state, such a situation becomes untenable nationally.

It refers to lantana camara, a weed of national significance which is both declared noxious and prohibited for sale in Queensland but is still available for sale in New South Wales and right up to the Queensland border. This is why we really should be taking a much more concerted approach. What the government has done is good, but it is not good enough. What the World Wide Fund recommends is that we take a much more proactive set of steps. There are a number of recommendations in this report that I think it would be useful for the government to take into account. But, if we are getting to the “Well, I’ve done it and it is mine and we’re not going to change it” mode of operation, heaven help farmers and land managers generally in the ACT.

In concluding my remarks I just draw attention to the fact that in this bill there are three instances of strict liability offences. It has become my wont of late to give an exposition on strict liability offences and I would draw members’ attention to clause 10 of the pest plants and animals legislation and suggest that, if we are going to have strict liability offences in legislation, this is how you do it. This should be a template for how strict liability offences appear in legislation. I put it on the record that this is what I expect to see when we are talking about strict liability offences. I had a lengthy discussion with officials the other day about strict liability offences in this and other legislation, and I was absolutely appalled at the lack of understanding of the implications and the fairly cavalier approach if somebody does something by accident of, “Well, that’s just too bad and we’ll fang you anyhow.”

I refer members to clause 10, because this is what I think a strict liability offence should look like. It says that a person commits an offence if the person in the conduct of his business does particular things. So what it actually says is, “If you should know and you act irresponsibly, we’ll fang you.” But, if you are walking around Auntie Flossie’s garden and you say, “Gee, I like the look of that” and she cuts you two or three cuttings and you take it home and put it in your garden, that should not be a strict liability offence, because you and Auntie Flossie may not know that something is an invasive weed. There should be education to encourage people to take invasive weeds out of their gardens. In other legislation that will come before the Assembly there are many offences

where people may act out of ignorance and they will be subject to strict liability offences, and that is something that is untenable. I do commend the government for this as a model for how a strict liability offence should apply.

In sum, this is an “all right” piece of legislation and is a significant improvement on what we currently have. The Liberal opposition believe that we could do better, and to that end I will propose before we get to the detail stage that this be referred to the planning and environment committee for inquiry and report.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.14), in reply: The Pest Plants and Animals Bill provides for a more strategic approach to protecting the ACT’s land and aquatic resources from threats posed by pest plants and pest animals. It allows for the formal recognition of a pest by declaration, the development of a management response to threats from a declared pest, and regulation of activities that may foster the spread of a pest or the introduction of a potential pest to the territory.

The bill repeals the current pest management provisions of the Land (Planning and Environment) Act 1991. It establishes stand-alone legislation that significantly strengthens the basis for management of pest plants and animals. It reflects nationally agreed principles for pest management and is consistent with new pest management legislation introduced in New South Wales.

The bill establishes a system for declarations of pest plants and pest animals based on their threat to agriculture, the environment or the community. The bill provides for the minister to declare a plant or animal as a pest. The declaration is an important step in that it formally recognises that a plant or animal poses a significant threat and that management or control measures are required.

While the current provisions of the land act provide for the declaration of a pest, this bill goes significantly further. The Pest Plants and Animals Bill establishes certain classes of declaration that indicate the current infestation status of the pest in terms of its distribution or abundance and the most practical approach to its management. For example, a declaration may state that a pest plant must be suppressed—that is, its level of infestation must be reduced. A declaration of this kind would apply to a plant that is present in the ACT at a level where reduction in its distribution or abundance is achievable with current knowledge, techniques and resources. Eradication may be a long-term goal. Pest plants such as willows or broom would likely fall into this class.

A declaration may state that a pest plant must be contained—that is, its present level of infestation must not be allowed to increase. A declaration of this kind recognises that the pest of concern is well established and that current knowledge, techniques and resources will not be able to change this situation. Examples of this class of weed would be St John’s wort and Paterson’s curse. They are so well established and widespread that total suppression or eradication is now regarded as not a practical proposition. In these cases, management programs would target areas of concern where the weed poses a threat in terms of impact on particular environmental, agricultural or community values. Members would appreciate that the degree of threat posed by a weed may vary according to land use or management objectives for the area.

The bill also provides for a pest to be declared a notifiable pest. A notifiable pest would be one that either does not yet occur in the ACT or the distribution of which is extremely localised. Its presence must be notified to a designated official so that a rapid response can be initiated. Eradication rather than suppression or containment would be a management objective for a notifiable pest. Identification of a notifiable pest that is not yet established in the territory, together with a rapid response to any detection, is the most effective way of preventing a new pest incursion.

The bill provides for the development of management plans for declared pests. A pest management plan is a management response to a recognised threat. It will outline actions required to manage the pest based on its potential threat, biological characteristics, distribution and abundance and practical measures available to control the pest or manage its impact. For example, a management plan for a pest plant may outline control techniques for suppression, destruction or containment of a pest, or land management practices to reduce its impact. Pest management plans will guide land managers in the design of the most effective and cost-efficient management programs.

The Pest Plants and Animals Bill will provide enhanced support for implementation of the ACT weeds strategy and the ACT vertebrate pest management strategy. These strategies establish a policy framework for pest management and are underpinned by annual management programs. The bill will assist in establishing priorities and objectives for pest management programs that align with pest declarations and associated management plans. Pest management plans may also be the basis for regulatory action. Directions may be issued to a land manager to undertake pest management actions in accordance with a pest management plan. A land manager must comply with any directions issued and, where they are unable to do so, an authorised person may execute the direction at a reasonable cost to the land manager. Use of directions would be a last resort measure when all other measures have failed.

The prohibition of supply of certain declared pest plants or pest animals, or material contaminated with these, is a key initiative of the Pest Plants and Animals Bill. The mechanism for doing this is by declaring a pest to be a prohibited pest. Many of our established pests have their origin in commercial trade or inadvertent or reckless supply or disposal of pests or material contaminated with a pest. Control over the introduction of new pests is an important strategy. It recognises that tackling major pathways for the introduction of new pests can have substantial economic and environmental benefits.

This provision builds on the existing bush friendly nursery scheme, whereby nurseries have voluntarily agreed not to supply pest plants and have been recommending non-invasive alternatives to their customers. This innovative scheme has been adopted by other Australian jurisdictions as an important and effective mechanism to raise community awareness of potential weeds and to guide people in the selection of more environmentally-friendly species for use in gardens. In 2003, this ACT initiative was recognised by being awarded the Landcare Australia local government award.

The bush friendly nursery scheme is a success story of note. It has been embraced by both the retail horticultural sector and their customers and it demonstrates strong community interest in reducing the impact of pest plants on our natural environment. Another local program, weed swap, is another example of community engagement in

combating weed threats. With assistance from the ACT and Australian governments, the Australian Native Plants Society exchanges environmental weeds that have been planted in gardens for more friendly native species.

I might just say, by way of digression from my prepared speech and going to the report *Jumping the garden fence* prepared by CSIRO on behalf of the World Wide Fund, it is interesting to note that the 10 most important garden plants currently for sale in the ACT—or described as currently for sale—and in relation to which the report is somewhat critical of the ACT are black locust, two species of broom, cotoneaster, firethorn, Japanese honeysuckle, the Lombardy poplar, olive, radiata pine and white poplar. It is notable, however, that, as a result of the bush friendly nursery scheme, the only one of those 10 species available for sale in nurseries in the ACT is in fact olive—and there is quite a specific reason for that, related of course to its commercial use within the ACT—and it goes to explain the success of the strategy underpinning the ACT government's successful approach to pest plants in the past. Working with nurseries, the 10 identified most invasive garden plants concerning the CSIRO and the World Wide Fund in Australia are not sold in the ACT—none—with the exception of the olive, for reasonable purposes.

The commercial supply of prohibited pests is established as a strict liability offence in the bill. The criminal code provides for the use of strict liability provisions where a defendant can reasonably be expected, because of his or her professional involvement, to know what the requirements of the law are. Therefore, the mental or fault element can be justifiably excluded. The strict liability offences in this bill have been carefully considered and are limited to particular circumstances—for example, people engaged in the commercial supply of plants or animals can be reasonably expected, because of their professional involvement, to be aware of the duties and obligations under the law. Strict liability offences act to discourage reckless behaviour by forcing potential defendants to take every possible precaution. They are included in regulatory schemes by all jurisdictions where the proving of intent is difficult if not impossible. The Criminal Law and Justice Group, the Human Rights Commissioner and the Assembly Standing Committee on Legal Affairs have assessed the penalty provisions of the bill. Strict liability offences are minor, with the maximum penalty limited to 50 penalty units.

There are foreseeable circumstances where the supply of prohibited pests may be warranted—for example, scientific research. The bill provides that in these circumstances a designated official may issue a permit for supply if satisfied that it would not result in the spread of the pest in a way that would endanger the environment or agriculture. The bill also establishes offences for reckless activities such as the use of vehicles and machinery contaminated with the prohibited pest or the disposal of prohibited pests in ways that could contribute to their spread. I think members are aware that New South Wales has recently amended its Noxious Weeds Act. It also provides for the declaration of classes of pests and the prohibition of supply of certain pests.

The Pest Plants and Animals Bill has a high degree of consistency with New South Wales legislation, and I think that is particularly important as we share a common border with multiple points of entry. Our pests are New South Wales pests and vice versa. In the interests of harmonisation of pest legislation, the government needs to ensure that the declaration of pests in the ACT is undertaken in a consultative way, so that there is a high degree of commonality and a regional approach to pest management. It is

fundamentally important that our legislation does mesh with that that exists in New South Wales.

Members are also aware—and this has been commented on in this debate—that Western Australia has adopted a different approach to management of pest plants, whereby all import and trade is prohibited unless the species concerned is scheduled as a permitted species. This approach is favoured by the World Wide Fund, which recently published a report on the matter and which has been referred to. But Western Australia, as we know, is separated from the eastern states; points of entry are few and can be controlled much more easily. A permitted list approach may be feasible in Western Australia. On the other hand, the eastern seaboard covers a range of jurisdictions, points of entry are diffuse, and the range of introduced and native species with weed potential is substantial.

Restriction on trade to a permitted list, as proposed by Western Australia, is clearly an impractical proposition on the eastern seaboard. It is much more sensible to adopt a risk management approach where pests of concern are targeted in a harmonised fashion, on a bioregional scale, with areas of compliance focus directed and significant pathways of introduction, especially the retail sector.

The ACT officials have discussed the Western Australian model with the World Wide Fund and suggested its lack of practicality or application on the eastern seaboard and the World Wide Fund now acknowledges that the Western Australian model is almost certainly not effective for the eastern seaboard and would not have their support for utilisation on the eastern seaboard.

The Pest Plants and Animals Bill represents a more comprehensive and targeted approach to managing the impact of pest plants and animals in the ACT. The bill establishes a process for declaring a pest and the development of a management response to the threat posed by a declared pest. It also establishes offences for actions that could result in the introduction or spread of a pest.

In particular, the bill recognises certain classes of pests that reflect their distribution or abundance, the practicality of control or management measures and the potential for new pests to establish in the ACT. This bill, when enacted, will see the ACT at the forefront of best practice legislation for the management of pest plants and animals in Australia. It will support the strategic approach necessary to ensure that our considerable investment in pest management is cost effective and achieves sustained outcomes to the benefit of the environment, agriculture and the community.

The Pest Plants and Animals Bill will enable the ACT to work in concert with New South Wales to achieve a high standard of pest management in a collaborative way. A collaborative approach to addressing pest management issues will continue to be an essential component of pest management strategies. Private and public land managers, the horticultural and pet retail sectors and the broader community are all stakeholders in achieving effective and sustained pest management outcomes.

The government will continue to assist these groups through information and education programs and support for the design and coordinated delivery of extension and management programs. This is an excellent piece of legislation. It is an absolute credit to the officers of Environment ACT who have expended considerable energy and effort,

have consulted broadly and have taken the best possible advice available to them in its preparation and development. I commend them for their contribution to the development of this leading Australian pest plants and animals legislation and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Referral to Standing Committee on Planning and Environment**

**MRS DUNNE** (Ginninderra) (12.28): Pursuant to standing order 174, I move:

That the bill be referred to the Standing Committee on Planning and Environment.

*Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for the next sitting.*

**Sitting suspended from 12.28 to 2.30 pm.**

### **Questions without notice**

#### **Hospital waiting lists**

**MR SMYTH:** My question is to the Minister for Health. Minister, at the end of March 2005 how many people were on the waiting list for public elective surgery in the ACT?

**MR CORBELL:** I do not have that information immediately to hand. I can advise Mr Smyth, however, that those figures will be released publicly shortly, and I am sure he will be looking closely at them.

**MR SMYTH:** I have a supplementary question, Mr Speaker. If the minister is going to take that on notice or whatever, perhaps he could tell the Assembly how many of these people were overdue for their elective surgery.

**MR CORBELL:** I have already answered that question. I do not have that information immediately to hand, but those figures will be released shortly.

#### **ACTION bus service—flexibus**

**MR GENTLEMAN:** Mr Speaker, my question is to the Minister for Planning. Minister, ACTION'S new flexibus service began last week, on 26 April 2005. Would you please advise the Assembly how this new service will benefit the ACT community.

**MR CORBELL:** I thank Mr Gentleman for the question. Yes, ACTION'S new flexibus service began on 26 April this year. Members may have seen the extensive print and electronic advertising campaign that has accompanied the introduction of the new flexibus service. The reason for this is that the new flexibus service is probably a first for Australia, in that it is the first time a demand responsive transport system has been put in place to service an entire city. That is what flexibus is—a demand responsive service where people can effectively dial a bus and arrange for a bus to pick them up.

As a result of this, not only is ACTION able to provide a more efficient and timely service but it is also able to do so in a way that does not involve the running of empty buses on fixed routes late in the evenings, both during the week and on weekends. Passengers can now be dropped off closer to their homes. For travel, departing from any point, passengers will be able to book their pickup at the closest bus stop by phoning ACTION's customer service centre.

Travel from bus interchanges will still depart to a public timetable. Passengers can now prebook a bus. If they have a regular pickup from their suburb, they can make a regular booking. The bus will take that into account and collect them. They can also arrange to prebook a bus from a public interchange. So it is a very flexible level of public transport service that has not previously been available in the ACT.

We are monitoring closely the introduction of flexibus because it is a new service for consumers, but it flows on from the very successful trial of a similar evening bus service in Weston Creek during the past six months.

As part of the introduction of the new flexibus service there is a trial of minibuses in the Kambah and Gungahlin areas in the evening. We are not using standard buses in those areas but instead small minibuses, still wheelchair accessible. That means we can provide a door-to-door service in Gungahlin and in areas of Kambah where the roads are not wide enough to accommodate a regular bus service.

This particular service also sees greater frequency. Previously there was about a 90-minute service for an area bus or route bus in our suburbs. We have now reduced this to 60 minutes. Customers from suburbs of both north and south Canberra have commented very favourably that they no longer have to sit at the bus stop and wait for the bus to come around on its regular route. The bus now comes direct to them, collects them and other passengers along the way on a specified and personalised route designed to pick up those people who have phoned in and said they need a bus service.

This is another example of the government's commitment to improve public transport services in Canberra. It is one that will be closely followed by other parts of the public transport community around the country because flexibus, for the cost of a local call and the cost of a local service, is providing the equivalent, in many respects, of a taxi service after hours. So it is a very new and innovative way of providing public transport services.

In closing, it is worth making the point that this is only possible because of the government's commitment to completely revamp, upgrade and modernise ACTION's bus radio network. That bus radio network now allows effective communication between ACTION's call centre and individual buses. Bus drivers who operate on flexibus routes are now able to plan their routes, collect their passengers and get them to the interchange or to their homes quicker, more efficiently and certainly more responsively for the Canberra community. I think that is a service that many Canberrans will embrace in the weeks and months ahead.

## **Planning—City Hill**

**MR SESELJA:** My question is to the Minister for Planning. Minister, has your City Hill plan been endorsed by your cabinet or is it merely a Corbell legacy?

**MR CORBELL:** The decision to release the City Hill plan was taken in consultation with my cabinet colleagues—in particular, with the Chief Minister—and release of the City Hill plan followed the specific agreement of the Chief Minister. The City Hill plan itself did not need endorsement by cabinet for its release as a draft concept for consultation and discussion. That is the status of the document.

I think that it is surprising that the Liberal Party have criticised this process because the Liberal Party talked about revitalising Canberra, revitalising the city, but they never actually did any planning work on what was going to happen in the city centre; they did none whatsoever. They did nothing about revitalising the car parks, they did nothing about revitalising the other important elements that, at the moment, divide our city in half, and they did not look at issues around Northbourne Avenue. In contrast, the ACT Planning and Land Authority has put a concept on the table that has stimulated further discussion and debate, including the contribution we have had recently from Mr Terry Snow and his proposal. The government will be embracing all of these concepts as we move forward on the best outcome for City Hill and for the city as a whole.

The point I want to make to members, Mr Speaker, is that Civic and the central business area are not just about City Hill. In fact, most of the retail/commercial activity, as we know, currently takes place outside the City Hill precinct. Very little of it is contained within the London Circuit and Vernon Circle area. Whatever we do in relation to London Circuit/Vernon Circle must take account of the ramifications it would have for the rest of the city area, because there is very significant development already in place around the rest of the city.

It would be foolish of the government, foolish of any government, not to make an assessment as to the increase in gross floor area, development potential and so forth in the City Hill area without taking account of what that would mean for development in the remainder of the city. Those are the sorts of issues of which the government is very conscious. We will be working closely with all players on the way forward for that.

## **Minister for Planning**

**MR MULCAHY:** My question is to the Minister for Planning. Can the minister please confirm that he will soon embark on a round-the-world tour? What is the purpose of the tour? Over what time period will he be touring? What countries does he plan to visit? What areas and towns or cities will he visit? Who will accompany him? What will the tour cost? And what are the expected benefits of the minister's tour, both to him personally and to the people of Canberra?

**MR CORBELL:** Like members of both the government and the opposition, I am planning to take a tour to the United Kingdom and to the United States. In the United States I will be attending a national conference of the Urban Land Institute, which is the

United States's leading urban land development body, to look at examples of best practice residential development in the United States.

In the United Kingdom, I will be looking at practices to do with how their garden city suburbs have managed change. It is important to remember that Canberra's garden city suburbs are probably the pre-eminent example in the southern hemisphere of that type of planning. However, in the northern hemisphere, the home of the garden city suburbs is indeed the United Kingdom, where a number of garden city suburbs—townships, actually—are facing significant redevelopment pressure. So I will be visiting those precincts to learn from their experiences of how they have managed change as they face redevelopment.

I find it surprising that the opposition criticises a minister for being prepared to look outside the ACT. Indeed, if Mr Mulcahy is going to apply this sort of rigour, maybe he ought to apply it to his colleague Mrs Dunne, who on not one but now two occasions has chosen, I understand, to visit a major international conference in—

**Mr Mulcahy:** On a point of order, Mr Speaker: my question related to a series of matters regarding the minister's planned trip, and I did ask about costings and the people attending. I know he can answer as he sees fit, but I was not actually inquiring about the travel of any other minister or of Mrs Dunne or of any other member of the Assembly.

**MR SPEAKER:** Contrasting one side with the other has always been seen as reasonable in question time.

**MR CORBELL:** Thank you, Mr Speaker. I know Mr Mulcahy is defensive about it, but the reality is that all sides of this place from time to time undertake overseas travel for a range of reasons, and usually for very legitimate reasons about broadening members' understanding of international trends and developments in areas of interest to them so that they can apply that to policy areas back here in the ACT. My proposal is no different from that. If Mr Mulcahy is seriously criticising that, perhaps he should take the issue up equally with his colleague Mrs Dunne, who has, of course, on at least one occasion, and I think two, undertaken, or is planning to undertake, visits to a major public transport conference in Europe, for exactly the same reason—to learn about international developments in areas of her policy interest. It is exactly the same approach with me, and I think it will be very beneficial to inform future planning policy here in the ACT.

**MR MULCAHY:** I have a supplementary question, Mr Speaker. I am interested to know which officials will be accompanying the minister and what the cost will be to the ACT taxpayers of this excursion.

**MR CORBELL:** A number of officials from the Planning and Land Authority will accompany me, as well as a representative of my office. The full costs of the trip are yet to be finalised but will be reported in the normal way, as with all other ministerial travel in this place.

### **Disability services**

**DR FOSKEY:** My question is directed to the Minister for Disability, Housing and Community Services and relates to the unmet need for disability support services.

Minister, at a recent public forum that I attended, you heard and acknowledged that the process of applying for disability support funding has become a competition in misery and that the quantum of funding available is vastly inadequate, putting excessive stress on families. Minister, you said that you acknowledge the problem and recognise that “a big bucket of money”, in addition to the existing funding, needs to be allocated to disability support to address unmet need, yet in the newspaper today you are quoted as saying, “In an area of responsibility such as disability funding, demand will always outstrip supply.”

Minister, are you saying that the government will never fully fund disability support and that we can expect high unmet need amongst individuals and families affected by disability to continue throughout the term of this government? As I may have left out the word “fully”, I will repeat the question. Are you saying that the government will never fully fund disability support?

**MR HARGREAVES:** I thank Dr Foskey for her very good attempt at trying to have what is in the budget revealed. With respect to all human services—all human services—I suspect that we will never be able to satisfy demand. The challenge for any government is to do it so that the impact of it is minimised and to do the very best it can. I can say to Dr Foskey that I was at that meeting and I did hear it, which is different from those opposite, who have listened to people in the past but have not heard them particularly well. I have to say to Dr Foskey that she should keep an eye on the budget for the detail; she will be pleasantly surprised. This government has actually responded to the plea of the people to whom she referred. I urge her to listen closely.

**DR FOSKEY:** In that case, will the government undertake a full and proper review of unmet need for disability services, as promised at the 2001 election?

**MR HARGREAVES:** Mr Speaker, my response to Dr Foskey through you is that the Department of Disability, Housing and Community Services has constant dialogue with the disability sector. The Disability Advisory Council, under the chairmanship of Craig Wallace, advises me independently of the state of play out there. I am confident that the processes for identifying the unmet need within the disability sector are adequately covered by the department. I have absolute confidence. Indeed, it was that department’s advocacy on behalf of the sector that gave me such strength of argument that my cabinet colleagues concurred. The information will be revealed in the budget.

### **Canberra war memorial**

**MS PORTER:** Mr Speaker, my question is to the Chief Minister. Could the Chief Minister please outline initiatives being undertaken or supported by the ACT government that honour those from the ACT and the nation who have served Australia in war or peacekeeping operations.

**MR STANHOPE:** I thank Ms Porter for a very timely question, as we conclude the significant commemorations of Anzac Day, which is perhaps acknowledged now as the most significant day on the national calendar. It was a significant honour to be involved with the 90th anniversary celebrations of Anzac Day at the War Memorial this year.

I think it is appropriate that we reflect on the very significant support and interest that has developed and continues to gather strength within Australia, and indeed at Gallipoli itself, by Australians young and old. I think it is a very interesting and encouraging aspect of our celebration of Anzac Day that so many younger Australians—not just teenagers but also children—are now joining celebrations around Australia and at Gallipoli to commemorate those who served in war. We commemorate in particular those who, in fighting for their country and falling on the battlefield, paid the supreme price with their lives in defending Australia and Australian values, and those who suffered afterwards as a result of their commitment to their community and to Australia.

It is interesting that at the Australian War Memorial this year some 25,000 people are estimated to have attended the dawn service, with around 18,000 to 20,000 attending the midmorning service at the war memorial for the march and the ceremony that followed.

I have been mindful for some time that, while the war memorial is a most magnificent memorial to those who have served Australia in times of war, we the people of Canberra—we the Canberra community—do not have a separate or distinct memorial to the Canberrans who joined and served the nation of Australia and paid the significant price of their lives.

The government has, in concert with representatives of service organisations across the board within the ACT, been working for some time to investigate the move, within the service community in particular and the broader community, for an ACT-specific war memorial—a memorial that would recognise the service of veterans and peacekeepers from the ACT.

I think it is fair to say that the ACT or Canberra would be perhaps the only distinct or separate community in the whole of Australia that does not have a memorial dedicated to its citizens. It is an anomaly and an oversight that we as a community have relied on the war memorial as the memorial on which we focus as a nation; but we Canberrans have also, almost by default, focused our attention—at the times when we reflect on the service of our families, of our neighbours, of Canberrans from earlier times—on the war memorial and not on a Canberra-specific memorial that acknowledges and recognises members of our community. It is part of our responsibility as a community to acknowledge in a more personal way, at a more local level, those who served the nation.

The government intends, on the advice of a memorial reference committee, to construct a veterans memorial in Veterans Park off Moore Street. Having agreed to this, we have now begun a design that commemorates the commitment, dedication and sacrifice of Canberrans. We anticipate at this stage that the design will allow for contemplation of and quiet reflection on the contribution of peacekeepers and those who have served the nation through the armed forces.

As I say, it will be simple. It will not contain a full listing of those who have served from Canberra or who made the supreme sacrifice but there will be a website associated with the memorial that will list, to the extent that we can garner them, the names of all the men and women from the ACT who are eligible for the roll of honour and the commemorative roll of the Australian War Memorial.

**MS PORTER:** Mr Speaker, I have a supplementary question. Is the Chief Minister aware of any plans for the commemoration of the end of the Second World War?

**MR STANHOPE:** Yes, I am. I am very pleased that the ACT government will be able to join with the commonwealth government, through the Department of Veterans' Affairs, for a major commemoration here in the ACT. It will be a national commemoration organised through a committee established by the commonwealth that will be chaired by a very notable Canberran—Air Marshall David Evans—who is chairing a commonwealth taskforce appointed by the Minister for Veterans' Affairs, to ensure a full celebration of the end of the war in the Pacific.

This major celebration or commemoration will occur over three days, over a weekend, from Friday 14 to Monday 16 May, being the time, of course, of the dropping of the second bomb on Tokyo, which heralded the surrender of Japan the next day and essentially signalled the end of the war in the Pacific.

The commonwealth government has, quite fittingly, decided that this should be an occasion of major commemoration by Australia—involved so significantly as we were in the Second World War and the war in the Pacific—of the enormous price that we, as a nation, paid by the deaths of so many Australians in such trying circumstances at that particular time.

The commonwealth, very pleasingly, has allocated a budget of \$1.8 million for the commemoration, which will, as I say, be here in Canberra. The major focus will be a major display by the three services—the air force, the army and the navy on, around and above Lake Burley Griffin. There will be a major fly-past of aircraft from World War II vintage to aircraft of the present day. The navy will be conducting displays on the lake and the army will be similarly involved around the lake's shores.

I am very pleased that the ACT government will be working in partnership with the commonwealth. We will be providing support to the tune of around \$100,000 in support of this very significant and important commemorative event.

The commonwealth and Air Marshall David Evans have indicated to me in discussions and meetings that I have held with them that they are anticipating crowds of in excess of 100,000 people to attend the major celebration on 15 August. It will be a very fitting commemoration and celebration of the contribution of Australians in the Second World War and indeed a celebration of the end of that most dreadful war. I am very pleased that we will be working in partnership with them to ensure that this salute to veterans, as it has been titled, will be the success that I think we would all hope for.

There are other plans afoot by the government to continue to seek to ensure that the contributions made by all Canberrans, and indeed all residents of the region, are appropriately recognised. Members would be interested to know that I am in communication with the Minister for Veterans' Affairs in relation to the prospect of the commonwealth working with interested veterans organisations, the community and indeed the ACT government, to ensure that Canberrans or, rather, residents of this particular region, who served the nation in the Boer War have here within the ACT a memorial appropriate to their contribution to their nation in that war.

At this stage the response has been a little rocky. I would have hoped for a national memorial to the Boer War but there isn't one. I think that, of all the wars that we as a nation contributed to—of course the Boer War did not conclude until after federation—the only war in which Australians served as Australians that is not commemorated by a significant memorial in the national capital or on Anzac Parade is, in fact, the Boer War. I think that is an unfortunate omission. There is a Boer War veteran buried at St John's and there is indeed a Boer War veteran buried in the Queanbeyan Riverside Cemetery.

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

### **Mr Rob Tonkin**

**MR STEFANIAK:** My question is to the Chief Minister. Chief Minister, the Auditor-General has found, amongst other irregularities, that the Office of the Special Adviser's annual report did not meet the requirements of the Annual Reports Act 2004 or the annual reports directions. Minister, what action will be taken to rectify the deficient reporting of the OSA?

**MR STANHOPE:** I thank Mr Stefaniak for the question. The difficulty I have in taking any action in relation to the perceived shortcoming in the meeting by Mr Tonkin of obligations under the annual reports directions is that, of course, Mr Tonkin is now a retired officer. He was the officer responsible for lodging the report and the officer who, apparently, in the opinion of the Auditor-General, did not comply with the direction, and that is what this is, of course—a direction, nothing more. I believe that the officer concerned did make an annual report but it did not find favour with the Auditor-General. I do not quite know the basis of the Auditor-General's reason for that, but the position is that the officer concerned in the alleged lapse of commitment to the annual reports directions is no longer in the employ of the ACT government; he has retired, which, of course, really does raise some interesting questions in relation to the Liberal Party's dogged pursuit of a retired public servant.

In relation to the particular issue of Mr Tonkin's alleged recalcitrance in relation to a commitment to the letter of the annual reports directions, all I can do is tut-tut. But in relation to the future, in relation to my government and my agencies, I will, of course, be insisting, as always, on the full and appropriate commitment to and implementation of annual report directions and guidelines. I think it is important that we do.

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

### **Appropriation Bill 2005-2006**

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3.00): I present the Appropriation Bill 2005-2006, together with its explanatory statement, and the following papers:

Human Rights Act, pursuant to section 37—Compatibility statement, dated 2 May 2005.

Budget 2005-06—

Financial Management Act, pursuant to section 10—

Speech (Budget paper No 1).

Budget at a glance (Budget paper No 2).

Budget overview (Budget paper No 3).

Budget estimates—

Budget paper No 4.

Budget paper No 4—Appendix.

CD—Budget 2005-06.

Supplementary budget paper—A guide to changes in 2005-06 budget presentation.

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

Title read by Clerk.

**MR QUINLAN:** I move:

That this bill be agreed to in principle.

Mr Speaker, it is my honour to rise today to deliver the 2005-06 budget for the Australian Capital Territory—the fourth of the Stanhope government. The budget continues to deliver on this government's commitments. It is both financially responsible and responsive to the needs of our community. This budget continues the substantial progress of the past four years, provides new programs and new funding for targeted services, and continues to invest in our infrastructure.

Mr Speaker, the 2004-05 operating result is estimated to be a \$52.2 million surplus. The government's stated policy is the provision of a balanced budget over the economic cycle. Successive production of budgets that are balanced over the forward estimates period of four years will obviously—obvious to most—lead to achievement of the stated policy. Although this budget will provide a deficit in the next financial year, it is estimated to achieve a modest surplus between now and 2008-09. The general government aggregate result of the budget and forward estimates is a surplus of \$22 million.

As predicted in the 2004-05 budget, the 2005-06 budget is in deficit. The 2005-06 general government sector deficit is \$91.5 million. While this is indeed a substantial change from last year's estimate, it is worth understanding that there have been several quantum shifts in funding pressures since the Stanhope government came to office.

Three major reports have identified areas that were inadequately resourced, probably since self-government—the Gallop report on disability services, the McLeod report on the response to the 2003 bushfire, and the territory as parent—Vardon—report on child protection.

Between 2002-03 and the end of this forward estimates period, the government will provide additional funding for disability services of \$75.7 million, particularly as a response to the Gallop report. Child protection and family support have proved to be an

area of historical underresourcing, most recently highlighted by the Vardon report. The territory has not been alone in this, as most other jurisdictions have also faced similar problems and have also responded with considerable additional resources and structural reform.

Between 2002-03 and the end of this forward estimates period, additional funding of \$154 million will have been allocated to child protection and family support. Taking account of the 2004-05 supplementary appropriation and this budget, an additional \$10.6 million has been provided in 2005-06 alone.

Further, the tragic events of the January 2003 bushfire were unprecedented in their impact on the territory. Funding has been required for recovery, for future prevention and for strengthening of the emergency services capability, as identified in the McLeod report.

While we have been thankful for prudent insurance arrangements, and for assistance through the national natural disaster mitigation arrangements, the government has had to find substantial funding over and above these financial offsets, and in these times of global terrorism we have had to accept the need for enhanced disaster recovery capabilities. Between 2002-03 and the end of this forward estimates period, additional funding of \$134 million will have been provided over and above insurance receipts and assistance from the natural disaster recovery arrangements.

Mr Speaker, it is generally recognised that health costs escalate by about 7 or 8 per cent each year. Each Australian state and territory has faced increased health costs due to rapid advances in medical science and the range and costs of emerging procedures and treatments. Each year, governments must fund a premium of some 5 per cent for health over and above normal cost indexation.

Prior to 2001, public sector pay rates had lagged to the point where they were near the lowest in the nation. It was unavoidable that this problem had to be redressed. It has been to the extent that rates are comparable with, but not above, those applying in other states and territories. Pressure still exists in some professions as different jurisdictions compete for qualified and skilled staff that are in short supply.

The budget also pursues efficiency and effectiveness within our administration. We expect productivity gains by way of a reduction in overhead costs and the reduction of duplication within that administration. Each year, the government expects a productivity premium. In addition, there will be a concerted effort to eliminate parallel processes, particularly in information technology and in procurement and contract management.

In 2005-06, general savings of \$20.7 million will be made across all departments. This rises to \$28.4 million in a full year. Further savings of \$2 million, rising to \$12 million by 2007-08, will be achieved across the public services in relation to a rationalisation of information technology and procurement and contract management services.

Mr Speaker, this budget continues to address the needs of our community. Unfortunately, as increased needs are identified, it does involve an increase in general rates in order to generate an additional \$13.8 million per annum to partially meet emerging needs.

## **Employment and the economic outlook**

Mr Speaker, I turn now to the economy. This budget has been framed in the expectation of some increase in the rate of economic growth this year, and moderating growth in 2005-06 and 2006-07.

Growth in production in the ACT cannot match that at the national level, and this simply is a reflection of the fact that the national economy benefits far more from increasing global demand for Australian exports than does the territory. From small beginnings, exports from the territory are nevertheless growing.

Underlying demand in the ACT economy remains strong. Looking ahead, growth in demand in the ACT will continue to accelerate, while at the national level it is forecast to slow. While a slowdown in the national economy is less than ideal, it may make it easier for the ACT to attract the workers needed to meet the strong and increasing economic demand within the territory. Indeed, ACT employment has shown strong growth in recent months, up by almost four per cent between September 2004 and March 2005, an additional 6,800 employed since the government was re-elected.

Despite the strong growth, a shortage of labour remains an issue within the ACT economy. Unemployment, at 3.4 per cent, is the lowest on record and our rate of participation in the labour market, 73.5 per cent, is close to the highest on record. In the meantime, job vacancies are at a record high. The government is already addressing the issue of skills shortage, but clearly the ACT is not alone in experiencing this challenge and we look forward to participating in any national efforts to address the problem.

Consistent with the measures of strong demand and employment growth, the private business sector of the ACT is brimming with confidence. The key business surveys indicate that businesses are very confident about their prospects.

While the private sector of the ACT is performing well, the reality is that our economy remains heavily dependent on Australian government activity. Federal activity has been a strong contributor to the ACT economy in recent years and, while the Australian government has upwardly revised its forecast for growth in outlays in 2004-05, it is currently forecasting only modest growth in the outyears.

This budget has taken a balanced view of economic growth. The risks are essentially external to the territory and relate mainly to Australian government outlays and interest rate interests.

## **Commonwealth—state financial arrangements**

Mr Speaker, it has been said in the past that the introduction of the GST would instil a degree of predictability in Australian government transfers, at least, in aggregate terms. The GST was anticipated as a growth tax that would afford the states and territories the capacity to absorb growing pressures on the delivery of basic community services. That was the basis upon which the state and territory governments signed the agreement to introduce the taxation regime in the first place.

The notion has been undermined by the recent actions of the federal government in the context of demanding further tax changes from the states and territories, beyond that required by the intergovernmental agreement to which the commonwealth is a signatory. There is every indication that the Australian government will seek to exert increasing control over the states and territories once they have complete control of both houses of the national parliament. There has been little attempt to mask the threat to the states and territories.

Mr Speaker, in the light of the Australian government's actions, the states and territories have little room to manoeuvre. We are all currently negotiating with the Australian government on the need to retain the specified stamp duty taxes. As the matter remained unresolved at the time this budget went to print, it was not possible to reflect any negotiated outcome in the budget. However, based on the latest proposed position, the territory would lose revenue of about \$12.9 million over the forward estimates period.

This budget also incorporates the revenue loss to the territory in the order of \$18 million over the next four years due to the Australian government's refusal to compensate the territory for revenue forgone from the regulation of companies and securities. It is difficult to comprehend why the ACT should be singled out for inequitable treatment, particularly when the states and the Northern Territory continue to receive equivalent payments for corporate affairs regulation now administered by the commonwealth.

The budget also accounts for the elimination of national competition payments, as the Australian government has unilaterally abandoned the agreement now that the states and territories have honoured their commitments made under the associated agreement. The states and territories believe that reforms undertaken under the umbrella of national competition will continue to generate revenues for the Australian government beyond 2005-06 and these revenues should continue to be shared with the states and territories.

Of further concern is the Australian government's continued approach to specific purpose payment renegotiations. There is a concerted effort by the Australian government to have the states and territories accept greater financial responsibilities, such as matching arrangements, in service delivery programs not previously subjected to such a requirement. Sometimes the matching obligations on states and territories have been well in excess of commonwealth contributions or potential contributions. This push from the commonwealth is once again predicated on the belief that the states and territories continue to inherit so-called windfall gains from the GST.

The actions of the Australian government will continue to be an increasing source of pressure on the budgets of all states and territories.

## **Health**

Mr Speaker, this budget delivers on the government's commitment to improve access to acute hospital services and to reduce waiting times in emergency departments. The budget remains responsive in its determination to tackle difficult issues in our health system like hospital waiting lists and emergency department access block.

As I mentioned earlier, health service costs are escalating at a rate much greater than general inflation as measured by the CPI. Further, while the territory's population is recorded as growing very slowly, demand on the health system grows much faster.

Debate on waiting lists is of serious interest. However, it does not, of itself, provide a clear picture. Waiting lists can fluctuate for a number of reasons, of which the volume of service provided is only one. It is more illuminating to look at a couple of very basic statistics. In 2000-01, our two major hospitals recorded around 63,000 inpatient separations, compared with more than 70,000 in 2003-04. Over the same period, outpatient occasions of service grew from 361,000 to 427,000.

This budget addresses the severe pressures that apply to our health systems, as have the last three budgets of the Stanhope government. Funding has been provided for 300 extra elective surgery allocations in 2005-06, rising to 400 in 2006-07, through the elective surgery reform program. This program will focus on patients waiting excessively long times and ensure that those with the greatest clinical need get more timely access to treatment.

Discharge lounges at both Calvary and Canberra Hospital will continue to improve bed management and the timely transfer of patients awaiting hospital discharge. To improve access to acute hospital services and to ease the pressure on medical beds, the budget provides \$2.3 million for an additional 20 medical beds in public hospitals. Up to 25 additional nurses and eight allied health staff will be recruited for the beds to become operational in 2005-06.

Canberra has an ageing population and there is an ongoing requirement to adapt community services and housing to meet the needs of our older citizens. This budget provides funding of \$300,000 per annum for the development and implementation of falls prevention programs in residential care facilities. The successful intermittent care services pilot, supporting older people returning home following hospital stays, will also be expanded.

Additional funding has also been provided for medical and occupational health and safety equipment, dental services for high risk and special needs groups have been expanded, and growth in demand for medical oncology services continues to be met. The government has also provided capital of nearly \$4 million for a new picture archival system for efficient access to hard copy medical images.

In relation to nursing, the development of an ACT-wide refresher and re-entry program to assist and support nurses and midwives wishing to return to the work force after an absence from the professions is funded at around \$500,000 per annum. Ongoing funding has also been provided to establish nurse practitioner positions in the ACT.

## **Education**

Mr Speaker, in order to build on Canberra's strength as a well-educated community, funding has been allocated to increase the hours of free preschool education for eligible four-year-olds from 10½ per week to 12 per week. The increased funding recognises the social and educational benefits to children of early learning experiences.

Schools are essential community facilities and we need to continue to invest in maintaining our asset base of around \$605 million in school infrastructure. The government has allocated \$8.3 million over four years to honour its election commitment to improve school infrastructure. The funding will increase refurbishment projects across a number of government schools and is in addition to the \$11 million to be spent in 2005-06 on capital upgrades in government schools. Planning for the Gungahlin East primary and preschool will also begin, with funding of \$1.4 million provided to finalise all planning to the construction stage.

In relation to vocational education and training, this budget allocates an additional \$3 million over two years to meet the increasing level of skills shortage in the ACT. This is in addition to the \$3.1 million provided in the second appropriation in 2004-05 and the \$2 million increase in the previous budget, bringing the additional funding to \$14.1 million over a four-year period.

### **Children and family**

Mr Speaker, the government again continues its strong commitment to children, youth and families in this year's budget. Additional new funding provides a substantial increase to the annual budget of the Office for Children, Youth and Family Support.

The budget supports a range of strategic and operational initiatives that will be progressed during 2005-06 to assist the reform of the protection system for children, young people and their carers. This includes increasing the focus on services for Aboriginal and Torres Strait Islander children and young people and their families with \$2.9 million over four years to consolidate and expand the Aboriginal and Torres Strait Islander unit.

The budget also provides \$1.5 million over four years to establish a Commissioner for Children and Young People, responsible for promoting and protecting the interests of children and young people in the ACT. The government continues to respond to the increased number and cost of individual support packages to care for and protect children and young people in care, with \$13 million being provided over four years. Significantly, funding of \$40 million over three years is provided for the much needed upgrade of the Quamby Youth Detention Facility and work will commence this calendar year.

Finally, Mr Speaker, the establishment of a child and family centre in Gungahlin is another primary example of the government's commitment to support Canberra's children and focus on early childhood development. The centre is a hub for developmental programs, health and education services, and parenting and family support services. The child and family centre program will be extended to Tuggeranong in 2005-06.

### **Disability**

Mr Speaker, yet again the government has provided substantial resources for disability and welfare services through programs to assist people with disabilities, their families and carers. The government has listened and responded to people with disabilities, their

families and carers with an additional \$3.29 million in this budget over four years to enable more people with disabilities to live more independently.

The government remains committed to ensuring that all children are able to participate fully in education and students with a disability are supported. A boost of more than \$4 million over four years will ensure that teachers and teachers aides in our schools are able to meet the individual needs of their students. A new northside community-based learning and life skill development program will also be funded to support young people with a disability, and increased funding will be allocated for domestic violence crisis services.

The 2005-06 budget provides \$831,000 over four years to enable the assessment and trial of specialised seating, mobility and communications equipment for children and young people with disabilities who have complex needs, including autism. Finally, additional resources will be provided to assist families who have children with intense support needs, particularly those with autism and/or challenging behaviours.

## **Housing**

Mr Speaker, in previous budgets the government has introduced comprehensive packages of measures to alleviate housing stress and improve housing affordability. Those measures spanned significant assistance for crisis accommodation, community and public housing, and first home buyers.

A range of indicators support the view that housing affordability in the ACT has been improving since the middle of last year. Increasing affordability, coupled with changes to the ACT's first home buyer concession scheme in last year's budget, are supporting a stronger participation in the local housing market by first home buyers. By the end of March this year, 1,226 households had received a first home buyer concession, compared with a total of 39 in 2003-04. Looking forward, similar levels of participation by first home buyers is anticipated, and the budget incorporates a further \$1.8 million allowance for concessions.

Mr Speaker, the government will continue to alleviate housing stress and support home ownership. The ACT, along with other states, has called on the commonwealth government to work jointly towards the development of a national housing policy. We continue to hope that the commonwealth will take a lead role in this important national task.

## **Our people, our community**

Canberra has a great sense of community. It is important that we continue to encourage people to be involved in building a stronger community. The 2005-06 budget provides significant funding towards major transformation of the City West area, in line with enhancing Canberra's dynamic heart.

As part of ongoing efforts to make Canberra City a hub of activity and a focal point for all Canberrans, the public space in Childers Street will be redesigned to accommodate and encourage a range of pedestrian and festival activities between the city and the Australian National University and create a cosmopolitan eat and meet area.

As part of an improved program of events and entertainment in the territory, a national commemorative event to mark the 60th anniversary of the end of World War II in the Pacific will be held near Lake Burley Griffin, with veterans invited to attend from Canberra and throughout Australia.

Priority government projects that will support the restoration, recovery and re-establishment of non-urban areas of the ACT after the 2003 bushfires include the redevelopment of the rural villages, the enhancement of recreational facilities at Stromlo Forest Park, the re-establishment of the Cotter area and Tidbinbilla Nature Reserve, and the creation of the Canberra international arboretum and gardens.

The government continues to support sustainable transport, with development of the real-time passenger information system and continued investment in cyclepaths en route to shops, schools, bus stops, recreation facilities, and employment centres.

I am pleased to announce that the budget includes funding for forward design and feasibility work on the City West performing arts facility and choreographic centre, and the Belconnen arts facility will shortly progress to the tender stage.

### **Law and community safety**

Mr Speaker, the government has an ongoing commitment to make Canberra a safer place to live. We continue our efforts to build a safe, cohesive community.

The budget allocates \$1.1 million for 10 sworn officers to patrol the north district, covering Canberra City, Belconnen and Gungahlin, taking effect from 1 July 2007. A further \$1.1 million will be available from 1 July 2008 for a second patrol of 10 sworn officers to be allocated to the south district, covering south Canberra, Woden and Tuggeranong. This is in addition to the extra 20 officers committed to in the 2004-05 budget, 10 of whom will be starting from 1 July 2005.

Mr Speaker, the trial of an innovative circle sentencing option for indigenous offenders, introduced in the last budget, will continue with the allocation of an extra \$100,000. Aboriginal and Torres Strait Islander offenders remain overrepresented in our criminal justice system and circle sentencing is a way of reducing the risk of them reoffending.

Protective security guidelines will be implemented in ACT government agencies. To enhance the government's contribution to national counter-terrorism arrangements, an additional \$100,000 is provided, adding to the \$267,000 allocated last budget for a security coordination unit.

Mr Speaker, the government is also establishing a register to track child sex offenders and commits recurrent funding of \$100,000 to implement this register, which will be part of a national register of sex offenders.

### **Sport and recreation**

In the area of sport and recreation, the government is committed to improving the health

and wellbeing of our children through increasing the opportunities to be physically active and help battle the increase of sedentary behaviours and levels of obesity.

Last year, this government implemented a kids at play program aimed at increasing opportunities for children to be active in an after-school setting, at community events and in the home. This commitment will be enhanced, with a further \$100,000 in 2005-06 and \$150,000 in the outyears, which doubles the capacity of this highly successful program.

Mr Speaker, the government will continue to ensure that our sporting infrastructure meets the needs of the community. The government is also mindful of the need to bring our community ovals up to an improved standard, particularly with a more secure water supply in the future.

This budget includes \$770,000 in 2005-06, and \$450,000 in the outyears, to ensure that the operational requirements of Manuka Oval are maintained. This will enable the territory to present a premier cricket and AFL venue that supports and attracts the major national codes. Mr Speaker, I am also pleased to announce that there will be a \$1.7 million upgrade to Phillip Oval to restore it to a premier facility for the benefit of our local competitions.

Looking to future sporting events, I am also pleased to announce that \$200,000 has been allocated to further develop the Lyneham/Southwell Park sporting precinct concept. Our focus will be to upgrade current sporting facilities, to identify the capacity to incorporate other users such as cycling, and to improve the community recreation amenities to enable greater community access.

Mr Speaker, Canberra adults are the most likely to engage in sporting activities compared with the rest of Australia, and the government's investment reflects that fact.

### **Building our economic future**

Mr Speaker, the year past has been a year of significant achievement for the Canberra business community. Business confidence among the territory's small to medium enterprises is high in both local and national surveys, the export orientation of the territory SMEs is above national averages, and many of our firms are receiving accolades in the national business press.

The ACT's trend unemployment rate of 3.4 per cent is the lowest on record and the lowest among all states and territories. Sustainable jobs, coupled with private sector development, are key measures of the government's success.

The past 12 months have seen many actions of the economic white paper funded and implemented. The highlights of this rollout program include the knowledge fund, the export growth program, the appointment of a small business commissioner, the ANU/MTAA super venture capital partnership, the business springboard program, and the establishment of a one stop business shopfront.

I am pleased to announce that this year's budget provides \$232,000, increasing to \$392,000 by 2008-09, to support a range of industry development activities across key industry sectors identified in the government's economic white paper. This will include

new activities to support industry cluster development, including capability mapping to establish robust baseline data on industries and related institutions in key sectors, activities to maximise local industry participation in major infrastructure projects and new measures to showcase innovative ACT companies on the national and international stage.

In addition, Mr Speaker, the government has decided to extend outyear funding to the knowledge fund by a further \$3 million in 2008-09. This will take the government's total commitment to the knowledge fund to \$21.5 million since it came to office. To date, the program has helped leverage approximately \$44 million in company project expenditure and has supported over 200 new knowledge economy jobs.

Mr Speaker, just days ago I was pleased to announce the commencement of the development of the building that will house the ACT campus of the national information and communications technology centre of excellence—NICTA. The government's \$20 million investment in NICTA has already leveraged \$127 million in potential commonwealth funding, plus \$60 million to construct the new purpose-built site. As well as the 100 new NICTA positions and 100 PhD student places, an estimated 280 jobs will be involved in the construction phase. The investment made in NICTA will be returned to the territory manifold. Canberra continues to punch above its weight in relation to economic development.

## **Tourism**

The Australian Productivity Commission recently triggered a debate on the appropriate scoping of tourism and the measurement of associated economic contribution. The ACT government has similar concerns of its own. Nevertheless, it is recognised that tourism is a significant contributor to our economy and a significant provider of employment.

Tourism is subject to constant challenges including world events, airline withdrawals, fluctuating fuel costs and changing of consumer trends, all of which we have experienced since last year's budget. These challenges were manifest in a decline in visitation in two quarters ending December 2004, and Canberra was not alone in suffering from this negative impact.

However, we have experienced rising awareness levels in target markets, significantly improved industry satisfaction, growing length of stay and the number of visitors to events. The continuing challenge we have to face is finding ways to counter negative perceptions of Canberra.

Events are an integral part of our tourism mix and a catalyst for attracting and improving visitor length of stay. As a result of the government's 2004 election commitment, a new tourism events structure was established within Australian Capital Tourism and it will take on broader responsibilities to ensure that future and existing events reach their full potential as drivers of tourism visitation.

In addition to running the Subaru Rally of Canberra and Floriade, the new events unit will be responsible for identifying, developing, supporting and selectively managing other visitor-oriented events and projects as well as coordinating strategic partnering and corporate sponsorship programs. The Brindabella Mountains Challenge is an example of

a new event identified by the events unit, to be introduced as a three-day cycling program in December 2005.

Events, however, are only part of the broader tourism mix. Australian Capital Tourism will continue to focus its resources on destination marketing and promotion in an effort to continue to stimulate visitation and maximise visitor length of stay. The government has been, and remains, committed to Australian Capital Tourism, with ACT funding being more on a per capita basis than that of the larger states.

**Mr Smyth:** But you just cut the budget.

**MR QUINLAN:** In 2004-05, the ACT provided \$56.79 per capita, over five times that of Queensland and eight times that of New South Wales. Yes, there has been a budget cut for tourism. On the other hand, they will spend just as much in the next year because they do have some cash reserves and they will be drawn upon. The government, through Australian Capital Tourism, will continue to develop further “See yourself in Canberra”—a long-term brand campaign designed to promote Canberra as a place to experience the Australian story.

### **Capital works**

Mr Speaker, this budget again contains an ambitious capital works program. The new works program totals \$168 million, with the total cash provided for new works and works in progress being \$292 million.

While I have spoken of many projects already, the program contains a number of other projects, in line with community needs, including upgrades to the fire systems at Canberra Hospital and Calvary Hospital, energy and water efficiency initiatives for public housing, and a significant boost to the public art program.

In 2005-06, \$32 million of ongoing maintenance of existing assets will be undertaken across all areas of existing infrastructure, ensuring that we maintain the level of amenity and repair of our asset base. The budget anticipates that a similar level of funding will be dedicated in each of the forward years to routine capital upgrades and existing assets.

### **Revenue**

Mr Speaker, it has been necessary for us to raise additional revenue to cover the emergent cost pressures that I have enumerated today and meet community expectations and needs for services. In order to spread the tax burden as broadly as possible across the ACT community, the 2005-06 budget introduces an increase in the revenue to be collected through general rates.

In addition to the CPI increase of 2.4 per cent on 2004-05 rates revenue from existing properties, there will be a further increase across all rateable properties. This increase will be equal to an average of \$104 for residential and rural properties and an average of \$312 for commercial properties. The increase in rates will be split across the fixed charge and the valuation charge for all properties.

To maintain the overall level of assistance provided to pensioners, the maximum rates rebate provided for pensioners will increase from \$305 to \$365. The rate free threshold for all properties will be increased to \$22,000. It is estimated that the additional increase in rates above the CPI will generate an additional \$13.9 million in rates revenue in 2005-06.

Adjustments to revenue collected through general rates in the ACT have been pegged to CPI for the last decade. In the period from 1999-2000 to 2003-04, which is the latest available data for all jurisdictions, the ACT amount increased by 15½ per cent compared with a national average of around 27 per cent.

In last year's budget, the government made changes to land tax marginal rates and bracket thresholds and introduced a new bracket at the lower end, at an annual cost of \$5.3 million.

In this budget, we have further increased those threshold values. We have decreased the tax rates within those brackets so that the total amount of revenue from land tax for 2005-06 for existing properties will only increase by the CPI, despite increased property values.

The budget provides for an increase in gaming machine tax rates, set down for 2007-08. In spite of the increase, taxation rates will remain at the lowest level applied in Australia, even after taking account of the mandatory community contributions. The increase in the rates has been delayed to allow clubs to manage through the recent limitation on note acceptors and the approaching total ban on smoking.

In line with the intergovernmental agreement on tax reform, debits tax will no longer apply after 30 June 2005. The abolition of this tax, financial institutions duty and the duty on marketable securities, along with an undertaking to review the need for a raft of other taxes, means that the ACT has fully met its obligations under that agreement.

### **Budget reform**

Mr Speaker, the government remains committed to continuous improvement in relation to budget transparency and accountability. This budget includes a change to the performance measurement framework. This is the first step towards the implementation of a triple bottom line accountability framework. This reform was highlighted in last budget's supplementary budget paper and further developed in a paper released to Assembly members in February this year. It has been assumed that the lack of feedback is an indication that the changes have been judged as acceptable.

Readers of budget paper 4 will notice that the performance measures are now presented at two levels—strategic indicators and accountability indicators. Strategic indicators are aimed at measuring performance against longer term and strategic outcomes. Accountability indicators will ensure that accountability for inputs, outputs and outcomes is maintained. Accountability indicators will still be subject to review by the Auditor-General. Amendments to the Financial Management Act are currently being developed to support revised audit arrangements. The output descriptions have, in most cases, been expanded to provide users with more information.

Mr Speaker, the government will continue to develop the financial management framework to incorporate triple bottom line principles. The performance indicators presented in this budget will form the basis for the development of cross-agency performance indicators and linkages to planning and reporting frameworks.

## **Conclusion**

Through this budget, targeted and responsible funding is provided to address areas of high priority. This government has increased health expenditure by \$16 million across four years and allocated \$56 million across four years from the growth funds and from reprioritised expenditure.

This government has increased expenditure in education by \$15 million across four years, with a further \$2 million per annum for school building renewal. This government has increased expenditure in child protection and family support by \$50 million over four years.

The government is delivering a responsible budget. Sound financial management is necessary to preserve our future capacity to deliver priority services to the ACT community, particularly in areas such as health, child and family support, and disabilities.

This budget includes saving measures from improving the efficiency of government agencies and increases in revenue. There are no new general government borrowings: the projected deficit for 2005-06 can be funded from cash accumulated from previous budget surpluses. And this government still achieves our policy of a budget surplus over the economic cycle.

Mr Speaker, I commend this budget to the Assembly.

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

## **Rates Amendment Bill 2005**

**Mr Quinlan**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3.42): I move:

That this bill be agreed to in principle.

**MR QUINLAN**: The Rates Amendment Bill 2005 amends the Rates Act 2004. The amendments to the Rates Act bring the calculation of rates liability on rural land into line with the method used to calculate the rates liability on residential and commercial land. This is achieved by introducing a fixed charge component into the formula used to

calculate rates liability for rural land. In addition, the bill ensures that rural land with an average unimproved value equal to or less than the rates free threshold will be liable to pay the fixed charge component in the same manner as residential and commercial land.

Previously only rural properties with an average unimproved value higher than the rates free threshold were required to pay rates. Without this amendment, the rates increase announced today would have been implemented solely as an increase in the rating factor applied to unimproved land value of rural land exceeding the rates free threshold. The result of this would have been the imposition of larger increases in the annual rates liability on a small percentage of higher valued rural properties while a number of rural properties with a lower average unimproved land value would receive no increase or a very small increase in their annual rates liability.

This amendment is the most equitable way of implementing the rates increase on rural properties. The inclusion of a fixed charge in the rating formula for rural land will distribute the effect of the rates increase more evenly amongst rural land-holders. These amendments will commence from 1 July 2005. Once this bill has been enacted, a disallowable instrument will be introduced to set the fixed charge, value based charge and the rates free threshold for residential, rural and commercial properties as announced today.

The rates free threshold for this rating year will be increased from \$21,500 to \$22,000. A related instrument to increase the rates rebate cap for post-1 July 1997 pensioners from \$305 to \$365 has already been notified. Pre-1 July 1997 pensioners maintain their current rebate of 50 per cent of their rates bill. To allow for the introduction of this instrument during June, it is necessary to call forward debate on the bill to Friday, 6 May. I am happy for officers of my department to provide a verbal briefing on this bill to any member of the Assembly who would like one. Please contact my office in the first instance. Obviously any briefing would need to occur between now and Thursday afternoon. I commend the Rates Amendment Bill 2005 to the Assembly.

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

## **Executive Contracts**

### **Papers and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): For the information of members I present pursuant to sections 31A and 79 of the Public Sector Management Act 1994 copies of contracts in accordance with the list circulated.

#### Long-term contracts:

- Peter Garrison (2), dated 1 January and 8 April 2005.
- Shane Gilbert, dated 5 April 2005.

#### Short-term contracts:

- Brett Phillips, dated 23 December 2004.
- David Collett, dated 22 April 2005.
- Diane Spooner, dated 10 January 2005.
- Diane Spooner.
- Gordon Davidson, dated 31 March 2005.

Loretta Zamprogno (2), dated 2 February and 8 April 2005.

Meredith Whitten, dated 18 April 2005.

Pam Davoren.

Peter Garrisson, dated 10 February 2005.

Schedule D variations:

Clare Wall, dated 27 March 2005.

Geoff Keogh, dated 5 April 2005.

Megan Douglas, dated 19 April 2005.

Peter Ottesen, dated 6 and 14 March 2005—

I seek leave to make a statement in relation to the papers.

Leave granted.

**MR STANHOPE:** I present another set of executive contracts. These documents are tabled in accordance with section 31A and 79 of the Public Sector Management Act which requires the tabling of all executive contracts and contract variations. Contracts were previously tabled on 5 April 2005. I present three long-term contracts, 10 short-term contracts and four contract variations. Details of the contracts will be circulated to members.

## **Papers**

**Mr Stanhope** presented the following paper:

Notifiable Instruction NI2005-153 being Administrative Arrangements 2005 (No 2).

**Mr Quinlan** presented the following papers:

### **Ownership agreements**

ACT Forests

ACT Health

ACT Planning and Land Authority

ACT WorkCover

Chief Minister's Department

Department of Disability, Housing and Community Services

Department of Economic Development

Department of Education and Training

Department of Justice and Community Safety

Department of Treasury

Department of Urban Services

Emergency Services Authority

InTACT.

### **Statements of Intent**

ACT Gambling and Racing Commission'

ACT Health Promotion Board

ACT Insurance Authority'

ACTION Authority

ACT Public Cemeteries Board

Australian Capital Tourism Corporation

Australian International Hotel School

Canberra Institute of Technology  
Cultural Facilities Corporation  
Exhibition Park in Canberra  
Independent Competition and Regulatory Commission  
Legal Aid Commission  
Public Trustee for the ACT  
Stadiums Authority  
Workers' Compensation Supplementation fund

Pursuant to section 14 of the Financial Management Act 1996 an instrument directing a transfer of appropriation from ACT Health to the Office for Children, Youth and Family Support, including a statement of reasons;

Pursuant to section 16 of the Financial Management Act 1996 an instrument directing a transfer of appropriation from the Department of Urban Services to the Chief Minister's Department, including a statement of reasons; and

Pursuant to section 17 of the financial Management Act 1996 an instrument varying appropriation related to Commonwealth funds for the Department of Education and Training, including a statement of reasons.

**Mr Corbell** presented the following papers, which were circulated to members when the Assembly was not sitting with the exception of ACT Health, Chief Minister's, Environment and Planning portfolios.

Pursuant to section 30A of the Financial Management Act 1996, the quarterly departmental performance reports for the March quarter 2004-2005 for the following departments or agencies:

ACT Emergency Services Authority;  
ACT Health;  
ACT WorkCover;  
Attorney-General's and Police and Emergency Services Portfolios (within Department of Justice and Community Safety);  
Chief Minister's;  
Disability, Housing and Community Services;  
Economic Development;  
Education and Training;  
Environment;  
Office for Children, Youth and Family Support;  
Planning Portfolio (within Urban Services and ACT Planning and Land Authority);  
Treasury; and  
Urban Services.

Revised explanatory statements for the following Disallowable Instruments which were presented to the Assembly on 17 March 2005;

DI2005-20;  
DI2005-22; and  
DI2005-23.

Pursuant to the Legislation Act 2001, subordinate legislation in accordance with the list circulated.

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 3.50 pm.**

## **Schedule of amendments**

### **Schedule 1**

#### **Statute Law Amendment Bill 2005**

Amendment moved by the Attorney-General

**1**

**Schedule 1**

**Part 1.5**

**Page 16, line 1—**

omit