Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

6 JUNE 2006

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Tuesday, 6 June 2006

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

Petition

The following petition was lodged for presentation, by **Mr Gentleman**, *from 766 residents:*

Petrol station, Erindale

> To: The Honourable the Speaker and Members of the Legislative Assembly of Australian Capital Territory
>
> The Petition of (a) Citizens of ACT (b) Residents of the ACT draw to the attention of the House to the ACT.
>
> My Petitioners request the House to intervain and put injunction for the building a petrol station in front of the Erindale College Erindale.

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

Leader of the Opposition
Statement by Speaker

MR SPEAKER: I inform the Assembly that on 16 May 2006 Mr Stefaniak advised me that the Liberal Party had elected him as its leader and that he consented to being Leader of the Opposition. I therefore recognise Mr Stefaniak in accordance with standing order 5A.

Temporary Deputy Speaker
Statement by Speaker

MR SPEAKER: Members, pursuant to standing order 8, I revoke the nomination of Mrs Dunne as Temporary Deputy Speaker. I nominate Mrs Burke for that position and present the warrant of revocation and nomination. So you are sacked, Mrs Dunne.

Leave of absence

Motion (by **Mrs Dunne**) agreed to:

> That leave of absence be given to Mrs Burke for the period 6 to 19 June 2006.

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 3.00 p.m. This day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2006-2007 and associated legislation;

(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 2006-2007 be adjourned and the resumption of the debate be made an order of the day for the next sitting" is agreed to;

(3) at 3.00 p.m. On Thursday, 8 June 2006, the Order of the Day for resumption of debate on the question that the Appropriation Bill 2006-2007 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speech of the Leader of the Opposition 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 26

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.34): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 26, dated 5 June 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report 26 contains the committee's comments on six bills, seven pieces of subordinate legislation and seven government responses. The report was circulated to members when the Assembly was not sitting, and I commend it to the Assembly.

Planning and Environment—Standing Committee
Report 20

MR GENTLEMAN (Brindabella) (10.35): I present the following report:

Planning and Environment—Standing Committee—Report 20—*Draft Variation to the Territory Plan No 256—Kingston Group Centre Part Section 22*, dated 30 May 2006, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MR GENTLEMAN: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR GENTLEMAN: I move:

> That the report be noted.

As chair of the Standing Committee on Planning and Environment, I recommend that report 260 on the draft variation of the territory plan *Changes to A10 Residential Core Areas for Garran, Griffith, Hackett and Yarralumla; Kingston Group Centre* be noted. Draft report 256 was referred to the committee by the Minister for Planning, Mr Simon Corbell, for inquiry and report on 23 February 2006.

Although the interim effect of 256 ceased on 2 March 2006, equivalent provisions were included in draft variation No 260 *Changes to A10 Residential Core Areas for Garran, Griffith, Hackett and Yarralumla; Kingston Group Centre Section 22*. For example, in relation to Kingston, DV260 includes a requirement for a noise management plan for certain land uses in Kingston part section 22, which effectively extended the interim effect of DV256.

The committee resolved to invite submissions at the meeting held on 28 February, with a closing date for submissions of 21 April 2006. All stakeholders were encouraged to express their views on the final recommended variation by letter and there was also advertising in the *Canberra Times* and the *Chronicle* on 4 and 7 March respectively. Draft variation 260 received many letters from concerned residents, so the committee planned a site visit to speak with some of those residents who had raised concerns over the implementation of the land use policy for part section 22, Kingston.

Some of the concerns raised were addressed in site visits and in the public hearing the committee undertook during deliberations on this draft variation. There were concerns raised on the inability to voice residents' concerns through a community council, as one does not exist for the inner south or central Canberra, unlike other areas such as Tuggeranong, Belconnen and Gungahlin. Therefore, the committee's first recommendation is that the committee recommends that the ministers in charge of disability and community services and planning give favourable consideration to supporting a Canberra central or inner south community council, should such an organisation be incorporated in the short to medium term.

The committee considers it regrettable that there is no community council for the inner south or central Canberra area and would welcome any community initiatives to form such a council. The committee feels that councils can play a very constructive role in building cooperative relationships amongst stakeholders and can promote higher ethical

standards of behaviour amongst stakeholders, based on relationships of respect and caring and stronger public accountability. Better communication amongst stakeholders, such as can be encouraged at community council meetings, can lead to better consensus on agreed values and enhanced social responsiveness amongst stakeholders.

During the site visit on 11 April 2006 with residents and officials, including the manager of development assessment and territory plan variations, as well as an officer from the territory plan section of the ACT Planning and Land Authority, there were issues raised by the residents relating to excessive noise being projected from the Belgian Beer Cafe at Kingston. Although the noise management plan had been adhered to with regard to loud music and the like, the residents had concerns over the early morning collection of rubbish and rubbish skips. There was a decision by the Administrative Appeals Tribunal that there were to be strict times in which trucks could enter and exit the site. This included rubbish collection times and reversing-truck noises.

In light of the issues raised by both the AAT and residents, the committee's second recommendation is as follows:

> The Committee recommends that the Minister consider
>
> (a) inserting an area specific policy into the Territory Plan,
>
> (b) varying the leases for Blocks 14 – 32 in Section 22, and/or
>
> (c) reviewing and amending as agreed with industry, the ACT Commercial Waste Industry Code of Practice and the Waste Minimisation Regulation 2001, with a view to limiting commercial deliveries and waste collection to between the hours of 7.00am-7.00pm in Section 22 Kingston.

The committee also recommends as follows:

> … that the Minister for the Territory and Municipal Services consider the need for a broader review of waste collection law and policy in view of the increased residential density around commercial centres in the ACT under the A10 (Residential Core) Area Specific Policy.

In light of further pedestrian flow past the entry point to the laneway behind section 22 Kingston, the committee was concerned with the lack of signage to inform residents and others of the potential of reversing trucks. The committee recommends as follows:

> … that the Minister for the Territory and Municipal Services consider whether signs warning of the potential hazard of reversing trucks for pedestrians and cyclists, and particularly the frail, the aged and children, should be installed in Block 33 Section 22 Kingston.

There were further discussions in relation to the Human Rights Act 2004, ACT, and how it works in conjunction with planning in the territory. The committee notes that, since mid-2004, all legislation in the ACT, including territory planning legislation, must be interpreted through the lens of the Human Rights Act 2004, ACT, to ensure that interpretations consistent with human rights are, as far as possible, preferred.

The Human Rights Act protects privacy, family, home and correspondence from unlawful or arbitrary interference. The rights protected under the Human Rights Act

2004, ACT, can be limited by reasonable limits set by ACT laws that can be demonstrably justified in a free and democratic society. In combining the Human Rights Act 2004, ACT, within the process of recommendations for this variation to the territory plan, the committee recommends as follows:

> … that the ACT Planning and Land Authority expressly addresses the influence of the *Human Rights Act 2004* (ACT) on the discharge of its statutory and non-statutory responsibilities, including when proposing variations to the Territory Plan.

There were many views from some of the residents of the apartments in and around the Kingston Group Centre that there should be more opportunity for screening their homes from the non-residents that can often see into them. In working to alleviate some of the tension this has caused for those residents, the committee recommends as follows:

> The Committee requests that the bodies corporate in multi-unit residences in Section 22 consider what investments might be necessary to ameliorate the perceived negative impacts of changing adjacent land uses such as window treatments, landscaping and screen planting, solid rear fencing, closure of pathways used as public thoroughfares through private property etc.

As the committee as a whole worked hard to achieve the most desirable outcome for the existing residents, as well as allowing the variation to proceed, it has made the following recommendation:

> Subject to the recommendations above, the Committee is of the view that the proposed variation should proceed.

The final recommendation of the committee is to remind private stakeholders how and to whom to refer their complaints or issues relating to problems faced in their local areas, and to assist in being able to have private stakeholders express their opinions without feeling threatened. To this end, the committee recommends as follows:

> The Committee invites private stakeholders in dispute over residential amenity and commercial activities to consider the use of the services of organisations such as the Conflict Resolution Service to facilitate the reaching of compromises that may enable conflicting land uses to co-exist more equitably and harmoniously.

I would like to take this opportunity to again thank the members of the Standing Committee on Planning and Environment—Deputy Chair, Zed Seselja, and Ms Mary Porter—for working with me on this variation and, of course, Dr Hanna Jaireth, secretary, who has put so many hours into the recommendations of the draft variation of territory plan No 260. I commend the report to the Assembly for it to be noted.

MR SESELJA (Molonglo) (10.44): I would like to add a few comments to those of Mr Gentleman. The first one is just a technical, procedural one. I do not know how this is to be dealt with but I think the wording of recommendation 6 is slightly different from what was agreed. It was just a one-word change. I do not think it is of great significance but I believe that instead of "the committee requests" we had agreed to something along

the lines of "the committee suggests". I do not think that is of great moment but I would just like to put that on the record.

That said, I concur with what Mr Gentleman said about the work of Hanna Jaireth on this one; I think she did a good job. I think it was a challenging one. It was a challenging report for the committee. I think it really brings us to the fact that we are going to see more and more tension around the development of group centres, town centres and local centres. This is going to happen more and more as infill occurs in Canberra. Places like the inner south I think are where the tension will be greatest, but I think it will go well beyond that.

I think what we saw and heard from residents were genuine concerns; some reasonable concerns about noise. But there is going to be the inherent tension about having people living close to these group centres. That raises broader planning implications for the government and for ACTPLA. I think they should look at this report closely, at how this variation has gone, and look at putting in place broader land use policies that maybe take account of some of these issues.

I think that, generally, the variation and this report recognise the need to strike a balance between the concerns of residents, the important legitimate commercial needs of centres to expand, and also the positive planning implications for the territory of having vibrant group centres, town centres and local centres. It strikes a balance. I think generally they have got it about right.

Ideally, we would not have apartments that are that close to commercial premises. I think that, if you had a blank slate, you probably would not have them within a few metres of the back of a cafe or a bar, but that is the way it has worked out. I think we need to work within that framework to try and protect the amenity of residents as best we can, and also to ensure the viability of our commercial centres and to ensure that they are able to grow.

One of the things that arose during our considerations was the problem of enforcement of noise management plans. Representatives of ACTPLA informed us that they certainly found it difficult, or that, if they had any ability to enforce noise management plans, they were not able to do that at this stage and that that was a responsibility for environment. We heard from them that the procedures at the moment are not streamlined enough for that to happen.

The residents' concerns were that they were making complaints but that they were not being followed up. We were told by public servants that, if there were sufficient numbers of complaints, they would be investigated. I think that is something the government needs to take a closer look at—how noise complaints are dealt with in these circumstances—so we can ensure that residents are not adversely affected, that where they are adversely affected, they have some recourse, and that they are able to get some positive outcome that protects their standard of living.

The only other thing I want to comment on is recommendation 5, talking about the Human Rights Act. The opposition did not support the Human Rights Act but, nonetheless, it is the law of the territory. I think we are going to see more and more of the kind of arguments we made against it at the time. I think it will become a bit of a noose around the neck of government agencies.

I am sure ACTPLA will be looking at that recommendation with a fair amount of trepidation. But that is the reality of the law that has been passed. It will be interesting to see whether the government backs its rhetoric on human rights with what it has put in place in the Human Rights Act with the performance of its agencies. I think that is what this recommendation is about, so we will watch closely to see that that happens.

Debate (on motion by **Dr Foskey**) adjourned to the next sitting.

Temporary Deputy Speaker
Statement by Speaker

MR SPEAKER: Before I call you, Mr Stefaniak, with tongue in cheek I mentioned the departure of Mrs Dunne from the position of Temporary Deputy Speaker. Regrettably, *Hansard* does not record the tongue in cheek. I would just like to record my appreciation for the way Mrs Dunne carried out her duties when she acted as Temporary Deputy Speaker.

There are important features of the management of this place, because people come and go, dealing with their own portfolio responsibilities. So it is important to have people who perform the role of Temporary Deputy Speaker. I welcome Mrs Burke back and thank Mrs Dunne for her assistance.

Administration and Procedure—Standing Committee
Membership

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

> That Mrs Burke be discharged from the Standing Committee on Administration and Procedure and that Mrs Dunne be appointed in her place.

Legal Profession Bill 2006

Debate resumed from 4 May 2006, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.50): This bill has been quite a mammoth undertaking. It deals with ensuring consistency and uniformity in the regulation of the Australian legal profession—no mean feat. Indeed there was a national approach taken and there has been considerable consultation. There were a number of drafts, I understand, some of which were not acceptable to many of the participants. However, after a long and often tortuous road, the bill is now before the Assembly. I am delighted, having had discussions with the government solicitors. Both arms of the profession, the Law Society and the Bar Association, are very keen to see this legislation up and running.

It does a number of things but one of the main areas where I think it will be of considerable benefit is that it rectifies a very real problem. For many years it was very difficult to practise across jurisdictions. Even taking something as simple as the ACT and

New South Wales, for example, you would need practising certificates in both places to practise; you would need to be admitted in both the ACT Supreme Court and the Supreme Court of New South Wales. There were often different rules, for example, as to what solicitors could and could not do.

I recall that, in the eighties, when I was admitted in both places and had practising certificates in both places, you had to do continuous legal training in New South Wales, which was not a bad idea. I think perhaps some of it was people paying lip service to it, but you had to get 10 points. That necessitated going to about three days of conferences or taking home a whole lot of videos and looking at them. The ACT did not have the same requirement for the ACT legal profession. That is just an example of different practices and standards.

This bill makes it very easy now for practitioners to be admitted in one place and to be able to practise across the country. There are core areas that have been worked out by the states and territories and there are some areas, which are not core areas, which reflect the fact that there are some quirks between jurisdictions which are worth while keeping.

The national legal profession model laws project aims to achieve greater consistency and uniformity in the legal profession regulation and legal trade. It resulted in the release of model provisions approved by the Standing Committee of Attorneys-General. The model provisions are of three types, which I have briefly alluded to: core uniform, which are core provisions that are to be adopted in each state and territory using the same wording as far as practical; non-core uniform, which are again core provisions that are to be adopted in each state and territory but the wording of the model provisions need not be adopted; and non-core. In other words, states and territories can choose the extent to which they will adopt these provisions.

In July 2004 the commonwealth, states and territories agreed to implement all the core uniform and core non-uniform provisions in their respective jurisdictions. They established the legal profession joint working group to maintain uniformity and monitor implementation. That joint working group had representatives from the commonwealth, states and territories and from the Law Council of Australia. The model provisions were designed to ensure that clients and practitioners in all states and territories had similar rights and responsibilities and to provide for the regulation of the legal profession on a consistent national basis, including nationwide recognition of admission as a lawyer in any jurisdiction and of the grant of a practising certificate in any jurisdiction to practise as a legal practitioner.

This current bill incorporates, to the greatest extent practicable, the core uniform and core non-uniform provisions. Most of the non-core provisions have also been included. There are about 330 core provisions out of the 600 provisions in this bill. The non-core provisions are effectively a re-enactment of sections of the existing act. As the model provisions address principally those aspects of the legal profession regulation requiring national uniformity, many elements of the Legal Practitioners Act have, of course, been retained. In those instances the drafting has in fact been modernised.

A legal practitioner now admitted in the ACT will be able to practise in any Australian jurisdiction without the need to also be admitted in that jurisdiction. A client in the ACT

will have very much the same rights and remedies as a client in Victoria, New South Wales or any other Australian jurisdiction.

The disciplinary action taken against a practitioner in the ACT may now also be enforced in any other Australian state or territory, and vice versa. Barristers will now be granted practising certificates—something that did not occur in the past—and they will be subject to provisions about insurance and compliance. Barristers, because of the nature of their work, will not, for example, receive or manage trust money or trust property.

As a result of the agreement between the states and territories, the bill is set to commence on 1 July this year. In fact, that is absolutely essential for the bar, especially in Canberra. There are certain areas of it, which I think the attorney alluded to in his speech, which will commence later on, over the next few months, to enable the profession to get ready for them.

I thank the government for the briefings I have had on this, and also the profession for their input and their continued input. As I said earlier, there were a number of significant problems during the course of this project but they seem to have been ironed out. We now see how it operates in practice. It is interesting and indeed very pleasing to see that groups that are affected have largely welcomed this move. It is a positive one which I think will bring significant benefits to the legal profession and indeed to clients generally.

DR FOSKEY (Molonglo) (10.56): This society and this economy rely heavily on the rule of law to mediate its transactions. Law intrudes into almost every facet of our lives. A look at any broadsheet reveals that many, if not most, reported issues involve some element of legal proceedings or statutory interpretation. As power shifts from broadly representative governments to unelected and privately interested boardrooms, the ethical standards of the legal profession take on increasingly greater significance. This bill is a partial codification of those ethical standards.

In Australia there are limited protections for what we fondly describe as human rights, given the absence of a national bill of rights and a federal government that has shown scant regard for either human rights protections or long-standing legal principles. Without legal protection, human rights are in danger of becoming no more than, as Jeremy Bentham described, nonsense upon stilts.

One protection we do have against arbitrary or despotic government lies in the constitutional provisions that prescribe the separation of powers between the judiciary and the executive. The present judiciary's grasp of contemporary liberal ethics is often far ahead of many elected governments and their officials. The courts of appeal in many common law countries provide welcome voices, expressing dissent and disgust over human rights abuses committed in the name of immigration or so-called anti-terror legislation, among others. In the absence of strong moral leadership from business leaders or the other arms of government, we look to the judiciary in the legal profession to uphold basic tenets of human decency and social responsibility.

In briefing sessions, representatives of the legal profession and the department express dismay and disbelief at the suggestion that lawyers do not always act with the utmost probity. While I am inclined to believe that most lawyers take their ethical duties very

seriously and would usually place their ethical duty above their own career or financial interests, it would be foolish to think that such high standards are maintained and held by all legal practitioners all of the time.

These model laws give more power to law societies and bar associations in the various jurisdictions. I urge the judiciary to use these laws and their inherent jurisdiction to maintain a close watch on the disciplinary actions of those bodies and guard against the danger that new legal corporate loyalties and chains of command may infect and corrupt legal professional standards of behaviour.

The judiciary is the final arbiter of who is fit to hold a practising certificate and of where practice blurs into unacceptable behaviour. I urge them to enforce the high ethical standards in which law students are instructed at law schools in this country. Amongst today's barristers and solicitors are tomorrow's judges. If their ethical standards are eroded during their time as employees of large private corporations, then we will all be the poorer.

I want now to catalogue a few examples of the sorts of things that I believe these laws should be directed towards. The following information is from the Non Smokers' Movement of Australia website. Both the *Sydney Morning Herald* and the *Australian Financial Review* carried stories about how the law firm Clayton Utz had pressured a woman dying of cancer into giving up her 1986 action against Rothmans with threats that her family would be informed of her sexual history if she persisted.

Dr Konrad Jamrozik was a member of the working party preparing the National Health and Medical Research Council's report on passive smoking. After receiving a SLAPP-type writ from Clayton Utz, attempting to delay the release of scientific papers discussing the links between passive smoke and morbidity, Dr Jamrozik discussed his concerns on Radio National's *Law Report*. He said:

> Having worked in the area of tobacco control for many years, I had seen many colleagues receive writs and subpoenas and so on in the name of Clayton Utz, and I knew that they had a long association with the Tobacco Institute of Australia. And my view was that we shouldn't as an association be supping with the devil. I'm not interested in having any sort of association with a firm that is prepared to take briefs from an industry that produces a product that kills half of the consumers who use it regularly, an entirely preventable epidemic. I'm a public health scientist, an epidemiologist, I understand, as indeed it's now apparent, that the tobacco industry's understood, for many years, the dangers of their product, and I don't think it does the reputation of upstanding medical organisations to have any sort of association with that kind of firm.

I agree with Dr Jamrozik. I do not think that the ACT government should reward any organisation that acts in such a disgraceful manner, whether they are in the legal, construction, financial or any other sector of our economy. It certainly should not encourage them by employing them on its legal panels. Revenue is their lifeblood. A commitment to triple bottom line reporting would help weight the scales against awarding contracts to firms that fail to display social responsibility. This would send a clear market signal that ethics matter.

What about the Australian Wheat Board's legal advisers? In the *Canberra Times* of 15 May this year, it was reported that Darryl Hockey, a senior Australian Wheat Board manager, planned a SLAPP suit against Wheat Associates, an organisation raising concerns about the AWB's practices. He was reported as saying, "The idea is to start some pressure on him. Let him know the legals are working on him. Make him start blowing his meagre budget."

The Leader of the Opposition has been asking for examples of SLAPP suits in the ACT, the inference being that such things do not happen here. Well, Canberra is full of lobby groups and industry head offices, and these examples which have come to light give us a glimpse into the sorts of irresponsible behaviour and corporate culture that bring the legal profession into disrepute.

As we speak, Darryl Hockey and many other AWB executives must be wondering whether their futures will include some time residing at Her Majesty's pleasure. What about the lawyers who have been advising them every step of the way? Would they have signed a court document saying that their SLAPP suit had reasonable prospects of success? If they did, would they face disciplinary action or merely more billable hours defending their client's abuse of the legal system?

General counsels are rarely excluded from management-wide strategies and information flows. They are not in the same boat as their corporate peers. If they are aware a court is being grossly mislead, they have a responsibility, as an officer of the court, to take steps to rectify the situation. In 2004, Justice Tricia Kavanagh, in a speech to graduating University of Technology Sydney law students, said:

> The maintenance of the rule of law depends on lawyers who respect the truth and whose integrity is not for sale ... Ethical behaviour provides the most fundamental distinction between the law as a profession and law as a business enterprise and it draws a distinct line between the legal practitioner and the mouthpiece.

Her Honour's remarks highlight my point that legal practitioners should be treated as officers of the court. My Protection of Public Participation Bill has been created partially because the legal professions' disciplinary bodies have failed to enforce the high ethical standards to which lawyers should be held. The bill before us today contains much fine rhetoric, but I would like to see more proactive measures being taken to discourage law firms from contemplating so-called sharp practices or from punishing those lawyers who put public duty ahead of corporate loyalty.

Not long ago this house weakened the rule of law by attacking the right not to be detained without charge or trial. If this bill before us today in any way weakens the professionalism of lawyers or results in legal practitioners giving greater loyalty to ministerial, corporate or shareholder values at the expense of their public duties, then this Assembly will have done its constituents another grave disservice.

The scrutiny of bills committee's report on this bill draws attention to a possible problem with clause 424. It remains unclear what rules of evidence will apply in hearings before the Legal Practitioners Disciplinary Tribunal. Somewhat cynically, I would like to point out that the size of this bill, the relatively short turnaround time for consideration, the

tight timetable set by the harmonisation process and the busy lives of most people to whom the bill may be of interest seem to be reflected in the somewhat cobbled together appearance of the bill. This may mean that problems in the bill only become apparent over time. This is not an insoluble problem, but it does mean that all the relevant bodies need to be especially vigilant to ensure that the bill serves its intended purpose.

I am reassured by the support shown by the law society and the bar association for this bill. When researching this bill, my office heard misgivings from legal professionals regarding the multidisciplinary and incorporated legal practice provisions and the relatively weak mechanisms for ensuring that legal corporations do the right thing and take responsibility for the corporate culture that they engender and support.

A fish rots from the head is an apposite saying in this context. Law firms are experts at erecting and maintaining Chinese walls and arms-length relationships. It is part of their daily practice. But it also means that they are experts at maintaining the appearance of such practices, and this skill is increasingly called upon by governments more interested in outcomes and plausible deniability that procedural rigour or ministerial responsibility.

I turn now to some criticism highlighted in the committee's report. The first criticism is one that I have echoed many times in this Assembly. In fact, I introduced a bill to help address the problem, but it was voted down. In a judgment last year, the ACT Chief Justice observed of an explanatory statement that, "consistent with the apparent purpose of such documents, it explained as little as possible". I hope he had his tongue in his cheek when he said that but, as I have said before, merely repeating verbatim the actual working of a clause in the explanatory statement does nothing to assist interpretation. The purpose of an explanatory statement, Mr Speaker, is—surprise, surprise—to explain. Perhaps the new Attorney-General will be able to get his head around that one.

The committee report makes a strong point about the failure of explanatory memoranda to include any human rights discussion. We are left with a bland statement that this bill, and nearly every other bill presented to this Assembly, is compatible with human rights, but we are given no hint as to the reasoning applied or why that conclusion was reached. This is something that I have asked to be provided to this Assembly, or at least the scrutiny of bills committee, but I have been refused every time.

The draft report also draws attention to a very disturbing possibility that entry into intergovernmental agreements, such as the one driving these laws, could be used, deviously or otherwise, to justify a derogation from a right under the Human Rights Act. Where this occurs, it should be clearly spelt out in the explanatory statement, as should any provision that creates a strict liability offence. This bill creates 20-odd strict liability offences, but the explanatory statement makes no mention of the fact.

There are a number of other possible infringements of the Human Rights Act that are not raised in the explanatory statement. While I appreciate that the human rights office is stretched for resources, if this experiment in democratic evolution is to succeed, it is incumbent on that office and the government to engage in a dialogue about human rights, given that that is the model that we have adopted, and, where laws are proposed that amount to a prima facie breach of human rights, to explain why they have decided that such a breach will not occur in practice.

A glaring example of this is contained in subclause 394 (4). By removing judicial review rights, privative clauses can represent direct threats to a citizen's protection from arbitrary or malicious administrative decisions. The explanatory statement should provide an explanation as to why the law society should have the unreviewable powers given to it under clause 349. It may well be perfectly justifiable, but the government should acknowledge that privative clauses are troublesome beasts and it should at least attempt to offer a justification whenever one is proposed.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.11), in reply: Mr Speaker, I thank members for their support of this legislation. When I presented this bill in the Assembly on 4 May, I said that it reflects an unprecedented level of cooperation between state and territory legal professional bodies. I think members would agree that it also reflects a very high level of cooperation and goodwill within the local legal profession.

A significant amount of hard work and compromise has been required to bring this legislation before the Assembly, much of which has involved the Law Society of the ACT and the ACT Bar Association achieving agreement on the means of implementing a number of difficult aspects of this national model in the ACT. Again I would like to thank both of those bodies and other involved in this project for their significant work.

I also mentioned when I presented this bill that members of the Assembly would be invited to seek briefings on the bill from officers of my department, and I understand that that has worked successfully with officers providing briefings to members of the opposition and crossbench.

This bill is not a bill to reform all aspects of legal practice. Its objectives, rather, relate to the governance and regulation of the legal profession itself, rather than the processes that are generally undertaken by legal practitioners. It does not, for example, address questions such as the circumstances in which a legal practitioner may or may not commence legal proceedings for the recovery of damages. That would be dealt with in legislation such as the Civil Law (Wrongs) Act or the Court Procedures Act.

It is worth making the observation, though, that this bill draws some nationally common boundaries around acceptable conduct on the part of legal practitioners. It sets out what constitutes unsatisfactory professional conduct and professional misconduct and the general methodology for dealing with complaints and misconduct. Like the act it repeals, the bill envisages legal professional rules providing much of the procedural and behavioural guidance to practitioners. For that reason, the rules for both solicitors and barristers are formally created or given formal recognition in schedule 1 as the rules which, from 1 July this year, will be amended according to a more formal and public process.

Aside from rules about behaviour and process, regulations will, of course, provide for much of the detailed procedural requirements under this new legislation. Those, like the bill, are being developed from an agreed national model. They will not introduce new policy initiatives, but will implement the policy framework set out in the bill.

I am pleased to say that the local legal profession, the law society and the bar association have been closely involved in the preparation of this bill and have, as a consequence, expressed substantial agreement with it. I say substantial because there remain some areas in which I am sure the bar or the law society would prefer new or different provisions. In keeping with the spirit in which this legislation has been developed, my department continues to discuss with the professional and other stakeholder groups any areas of concern. It may be necessary to return to this Assembly at a later date with some further refining amendments.

When I presented the bill, I alluded to the current review of the national model bill from which this bill has been developed. That review is nearly complete and it is likely that quite a number of amendments to this legislation will result. While it would have been preferable to deal with all of the profession's concerns before the bill was debated, the agreed commencement date of 1 July 2006 has constrained the government's ability to do so.

However, I can foreshadow that the government will be moving a small number of minor amendments aimed at clarifying and correcting several provisions. These have already been circulated to members and briefings offered. The amendments are quite simple in their effect. In short, they relate to correcting a few references to the functions of the admissions board; clarifying a person's right of appeal to the Supreme Court from decisions of the disciplinary tribunal; and correcting references in the HIH provisions at schedule 3 to the bill to suit the ACT context. These amendments will significantly improve the operation of legislation and will be relevant from its commencement on 1 July this year.

I should point out to members of the Assembly that late yesterday afternoon my department received scrutiny report No. 26 that relates to this bill. Obviously, it has not been possible to address the specific issues raised in the report, but I have already asked my department to advise me as soon as possible on any matters that may require amendments to the act later this year. It is worth noting also that at this early stage I will be considering the comments in the report in the context of the territory's implementation of a national scheme, having regard to the independent self-regulating nature of the law society and the bar association.

That being said, I wish to express my sincere appreciation of the efforts, not only of the standing committee, but also of members of the Assembly in turning their minds quickly and thoroughly to the consideration of this very significant piece of legislation. As I have said, it is critical to the implementation of this national project that the ACT meets its obligation to implement the model law on the agreed date, and the willingness of all involved to assist that process is certainly worth mentioning.

Mr Speaker, it is worth, I think, reminding members that the bar association and the law society have committed to a 1 July 2006 commencement, and a failure to implement this legislation by that date will have extremely adverse effects on the ability of their members to continue in practice, particularly barristers, who must be able to receive new practising certificates under this law on 1 July this year.

The government remains committed to working out with the legal profession their remaining concerns, most of which now relate to implementation, rather than underlying policy. I am confident that the next few months will see the completion not only of this process, but also of the process of revision of the model bill.

For now, this bill is ready for passage and commencement. The new scheme can be implemented in the ACT on 1 July, as agreed between the states and territories. Because this bill draws on recent work on review of the model law and from changes made to the equivalent legislation in other jurisdictions, it places the ACT in an ideal position to move easily to the next stage of revision, when review of the model law is complete. The current uncertainly will, I am sure, be rewarded with an ease of transition. I thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.18): I seek leave to move amendments Nos 1 to 14 circulated in my name together and table a supplementary explanatory statement to the amendments.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 14 circulated in my name together *[see schedule 1 at page 1795]*.

Mr Speaker, I have already alluded to these minor amendments in my closing speech to the in-principle stage of the debate and I understand that members of the opposition and the crossbench have been briefed on these amendments. But, for the purpose of the record, very briefly these amendments to the bill have the effect of correcting the functions of the admission board established under part 7.1 of the bill; correcting a typographical error in clause 21 (4) of the bill; clarifying the right of a party to appeal to the Supreme Court from decisions of the disciplinary tribunal established under part 7.2 of the bill; removing an incorrect note to clause 428 of the bill; and correcting references to the appropriate fund in schedule 3 to the bill.

These are minor and technical amendments designed to improve the workability of the legislation, particularly as it relates to appeals from the disciplinary tribunal hearing and a range of other minor matters. They are no substantive departure from the substantive bill presented to the Assembly earlier.

Amendments agreed to.

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

Bill, as amended, agreed to.

Order of the day—postponement

Ordered that order of the day No 2 Executive business, be postponed until a later hour.

Road Transport Legislation Amendment Bill 2006

Debate resumed from 30 March 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR PRATT (Brindabella) (11.21): Mr Speaker, when they tabled this legislation in March, the government advised that the Road Transport Legislation Amendment Bill 2006 allows for the lease of non-transferrable taxi licences. The government recently announced a taxi licence release program to address what they say is a clear need for more taxis on Canberra's roads to improve the level of service received by the public. To that end, the government announced that up to 40 taxi licences would be released over a two to four-year period, depending on demand for, and take-up of, the new licences.

The first 10 licences, which were to be released a month or so ago, were to be transferable. Apparently that leaves these 10 licences open to exploitation by being subleased with operators being charged high market fees for the privilege. However, once this bill is passed as legislation, the remaining 30 licences will be able to be issued as non-transferrable licences. Basically the amendment bill gives the government the flexibility to release non-transferrable leased taxi licences in the future—no bad thing.

While the release of additional taxi licences may assist in some way to improve the level of service provided to the public, by opening up the public transport market to more taxi operators, the opposition believes that the government needs to do a heck of a lot more to address problems within the taxi industry in Canberra.

One of the major complaints that we hear from taxi customers is the failure of taxis to turn up for pick-ups and pre-booked appointments. That is the fundamental concern that the community expresses about existing taxi services in the ACT—the pick-ups and the pre-booked appointments. The failure of taxis to pick up passengers, especially when people need to get to the airport to catch a flight or attend a medical appointment, can be extremely distressing, not to mention the cost of missed flights or appointments.

The provision of additional taxi licences is not necessarily going to fix this problem of taxis failing to turn up because, as I understand it, the problem lies with the fact that, whether or not there has been a pre-booking, it is not compulsory for a taxi driver to accept a job given out by Canberra Cabs, or any other organisation for that matter. That does not negate the need for additional taxi plates and licences. We support the government in this endeavour, but we stress again that we do not think that this initiative by the government will be enough to address the fundamental problem the community now has with the taxi services in this town.

The problem with pre-booking issue comes about as a result of the majority of cab drivers in the ACT being part of a co-op agreement, rather than being contracted to Canberra Cabs. Therefore, Canberra Cabs does not have the authority to dictate to taxi drivers what jobs they must do. It is a cooperative arrangement. Basically, Canberra Cabs provides a central call centre from which taxi jobs are given out to drivers, but they do not have sufficient authority over taxi drivers to enforce pick-ups when perhaps they should.

As I understand it, Canberra Cabs basically provides a call centre service to a majority of taxi owners in Canberra, but does not employ those taxi drivers directly. Therein lies the rub. While some taxi operators, for example, Silver Service and Elite Taxi Service drivers, are contracted to Canberra Cabs and have an agreement that ensures that they accept jobs, the majority of taxi operators are not employees of, or contracted to, Canberra Cabs.

While there is, from memory, something like an 87 to 90 per cent reliability rate that the mainstream taxi service will pick me up on time, if I want an ironclad agreement that a cab will take me to the airport, I need to book Silver Service or Elite Taxi Service and pay the extra fee. To ensure that I get a cab at 6 am, as the sun peeks up over Isaacs Ridge, I need to pay that extra fee to get me to the airport on time. We need more of our taxi service in this town. We need a broader reach of reliability.

I am advised that if a customer calls Canberra Cabs wanting to order a taxi, that job is called out over the communications system and offered to the drivers. If no driver wishes to accept that job, Canberra Cabs cannot enforce a pick-up and the customer is left without a taxi, unless, of course, they pick up a Silver Service or an Elite Taxi Service taxi run. The problem, really, then is that there is nothing in the government's legislation that makes it compulsory for any cab driver to collect the passenger. The minimum service standards for taxi services fail to ensure that taxi drivers do not refuse a job if one is offered. This is an issue that the government needs to have a look at.

This leaves taxi passengers in a real predicament. Even if a taxi is pre-booked days in advance, there is no guarantee—in fact, no legal requirement—that a taxi driver will turn up to that job. That is why we are seeing so many complaints from people who have waited in good faith for a taxi to arrive, only to be left high and dry because there is no binding agreement for a taxi driver to come and collect them. How often do we hear about a spouse dug out of bed in emergency fashion to race some poor beast off to the airport? That is why we are seeing so many complaints from people who have relied on those services.

While the issue of additional taxi licences may help to get more taxis on the road, there is still nothing substantial in the legislation that guarantees that this will solve the problem of taxi no-shows. This is what the government needs to address to really solve the problem. Minister Hargreaves has now said he will introduce fines of up to $1,000 a month if Canberra Cabs do not meet the new minimum service standards. In my view the government has failed to recognise that Canberra Cabs is powerless to ensure that cab drivers adhere to the new standards under the co-op arrangement that is currently in place. By this initiative of introducing additional fines and highlighting these standards, is the minister seeking to put more pressure on Canberra taxi companies to lock their

drivers in? I would like to hear what he has got to say in response to that question. If he has got something creative to say about this, then the opposition will be interested to have a look at it.

I fail to see how the fines, on their own, will achieve anything other than a further deterioration in relations between the government and Canberra Cabs. I do not think the minister would want to see that relationship deteriorate, but that is what is going to happen. If he is going to fine them and impose standards upon them but not allow them the instruments by which they can hold their drivers accountable, I think we are going to see more conflict between Canberra Cabs and the government and not necessarily a resolution of the problem with a better and more reliable service.

If Mr Hargreaves has got some other initiatives going to the core of that question, then I am very, very keen to hear his answer to that as well. The government needs to provide more serious support to the taxi industry through better legislation and regulation than is currently the case. By instinct, the Liberal government—I am sorry, the Liberal Party, be it in government or opposition, does not necessarily—

Mr Hargreaves: You have got your ambitions mixed up with your capabilities there.

MR PRATT: Yes, divine thinking. Mr Speaker, we would prefer not to impose more regulation and regulation upon regulation to achieve a standard of service to the community. Instinctively, we would prefer to see the government allow a playing field and to set a framework in place that allows private business to come in and self-regulate to make sure that those standards work. Of course, at the end of the day government does have a role to play in ensuring that government lays down the standard. If that means more regulation, so be it. If there is another way in which the government can encourage competitors to come into the market with the incentive to impose standards by self-regulation, that ultimately would be the best option. Failing that, the government is probably going to have to put regulations in place itself.

The bill will also simplify provisions in the Road Transport (Public Passenger Services) Act 2001 regarding the accreditation of taxi networks so that there is only one type of accreditation process. One would assume this is a sensible approach, and only time will tell if this streamlined accreditation process works. At this stage there is nothing to suggest that it will not and the opposition will support this simplification of the accreditation procedures. The government's bill will also transfer enter and search powers from regulation to primary legislation in line with the recommendation of the scrutiny of bills committee. This is a welcome amendment and the opposition is quite happy with that.

In conclusion, the opposition supports the bill, as it is a step in the right direction. However, the opposition notes with concern that simply introducing more taxi plates into the system will not address the problems of poor service that I know the minister is certainly well aware of. We all are in this place. The Stanhope government really needs to address minimum service standards, as current regulations do not ensure taxi pick-ups for passengers are guaranteed.

We know from statistics we are seeing that the reliability rate is reasonably high, but it is still not high enough to provide the fundamental service that Canberrans need from their

taxi service. Every Canberran who books a cab needs to be confident that that cab will turn up within a reasonable time, five minutes here or there, depending on what time of the day it is. But to ensure that that minimum service standard is enshrined, the government is going to have to regulate. I therefore urge the government, with this bill, to seriously consider tightening up that aspect of legislation.

DR FOSKEY (Molonglo) (11.34): The Canberra taxi market, indeed, the whole public transport market, is quite specific. There is a high level of demand at particular times and large periods of listlessness in between. When it comes to our mass transit systems, the intertown connections are good; the outreach is either deficient, underutilised or a combination of both. This is not likely to change until people choose not to use their own cars as personal transport for purposes of economics or convenience.

There are many reasons why it would be good to see a shift away from the current situation. Obviously our high level of greenhouse gas emissions is one disadvantage. Moving us towards a healthier way of living is another. Part of the solution will come through developing a more efficient, more convenient mass transit system. Planning for a public transport corridor between major town centres needs to be part of that. It is well known that it is my view that a light rail network eventually will be a key part of that process, both in order to reduce greenhouse gas emissions per person per kilometre and as a part of a strategy to create a more walkable, sociable city.

Taxis or taxi-style transport is the other part of the equation. For fairly obvious reasons, the frequent use of cabs is not a great part of everyday transport culture across Australia, and especially here. Most people have their own cars and consequently avoid the use of cabs, except when they have to catch a plane. People who have to get to and from the airport, people who want to get somewhere quickly in the early morning or in the late evening, people from interstate and people for whom time and not money is the issue are quite prepared to catch cabs.

It is my view that this legislation is a response to a problem that has recently been given attention in the media about the difficulties experienced by our visitors in getting to and from the airport. There is congestion on the road and often there are not enough taxis at the times of aeroplane arrivals. Consequently, people who are in a hurry get quite upset. I think that the problem we are looking at is one of how to get people to and from the airport efficiently, rather than a taxi service problem.

However, what we have got before us is a bill that is focused on taxi services. One of the proposals that I put forward for the Centenary of Canberra celebrations is that we should leave Canberra with something that is sustainable and that will benefit our children into the future, as well as making it a much more liveable city. The proposal that I put asked the ACT and commonwealth governments to get together and invest in a light rail system that connects the airport to the major points of destination, which, for most of our visitors, are shown to be the Russell defence headquarters, the Parliamentary Triangle and Canberra city.

I believe that would be a wonderful gateway to our city. It would reduce hugely the congestion on our roads, to which this legislation is a very partial solution. However, the ACT government did not take up my suggestion or take it to the commonwealth government. But it is still on the books and I believe it is something Mr Snow should

consider investing in because if it gets too difficult to get to that airport, there will be a lot of disgruntled people hanging around the lounge.

What happens at the moment is that the system falls apart when cabs fail to arrive for airport bookings or when people with a disability, who really depend on a taxi service, cannot get one. We have to look at what we are doing. We know that if the taxi service is not reliable, if there is not going to be a taxi there, people from Canberra will seek other alternatives. They will drive their private cars to the airport and pay the rather massive fees to stay in Mr Snow's car park and add to his revenue, rather than to the taxi operators.

An integrated public transport system, especially one that is based around the light rail service that I outlined, would make more use of taxi-sized vehicles, but this is not going to happen without a collaborative approach and a more fundamental restructure of the industry. That collaboration has to be not just by the ACT government and the taxi operators, but also by the federal government and the airport owners. This bill does not actually help us to get there, but it will put more cabs on the road and, importantly, more operators leasing their own plates, presumably with an investment in providing a responsive service. That is how this bill will assist.

It seems to be generally conceded that Canberra is not doing too well out of the freehold title approach to cab licensing. Too many absentee owners are sitting on an investment with no urgent need to provide a coherent service. By leasing plates at a regulated rate, there can be a bit more demand and response on how our system operates. It also means that further down the track it might be easier for government to change the parameters and create a more integrated system.

The ACT government is taking a kind of suck-it-and-see approach to taxi services. Things have loosened up little by little over the past few years. The hire car industry has been opened up and we have seen a few mini buses and minicabs around. Some people are prepared to pay more, it seems, for a reliable service. We do not know how well these changes will go to really address the need, and we have to remember that not everybody can afford the taxis, even when there are more of them on the road, and that the buses from the airport are still relatively expensive—

Mr Hargreaves: It is $7 in every half hour.

DR FOSKEY: and not always convenient and only get you to certain destinations. However, interjections apart, drivers can be hard to find largely because they can work very long hours for low incomes. But because there is a general race to the bottom going on in wages, taxi driving might end up a bit higher on the rungs as an attractive option for people.

We are still a long way from putting in place affordable, fast, convenient and seamless public transport for all. Sadly, we do not have a vision for achieving it. Once we do develop a plan, this bill may assist us to put it in place. It seems to me that the first place for us to consider light rail is that route from the airport. The guaranteed source of customers will assist our tourism and other industries. I look forward to seeing something about that later on.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.42), in reply: The Road Transport Legislation Amendment Bill 2006 provides for the introduction of non-transferable taxi licences, simplification of provisions for taxi networks so that there is one kind rather than several kinds of taxi network accreditation, and the transfer from regulation to primary legislation of enter-and-search powers available to officers inspecting premises of public passenger service operators and approved vehicle inspectors.

I would like Hansard to note that Dr Foskey asked a number of questions about the taxi system and has promptly taken herself out of the chamber. I encourage Dr Foskey, if she is not going to be in the chamber to listen to debates, to have a look at the *Hansard* and maybe respond. I take it back; she has returned.

The government needs flexibility to introduce different types of taxi licences from time to time. The legislative amendments I am introducing today are designed to provide a more flexible regime within which governments can issue taxi licences. The process for releasing short-term, leased taxi licences by ballot was announced earlier this year, and the first ballot of 10 such licences was held in April 2006. These were transferable licences as currently required in the legislation. In other words, we did not have any choice. I had no intention of doing that, but we did not have any choice because of what the legislation made us do about the transferability.

Transferability of taxi licences allows the licences to be subleased to another person or transferred into another person's name. Both types of transfer can potentially result in higher costs being imposed on a taxi operator. This is what has happened with standard taxi licences and is a possibility whenever licences are transferred and when the number of licences is restricted.

Dr Foskey is quite right when she makes the point that many of the previous licence holders are absentee landlords. There are quite a number of them that do not even live in the ACT. I tell the story: I was at an establishment some time ago when I overhead such an absentee landlord or leaseholder talking to some people and bemoaning the fact that, at $25,000 a lease fee per year, she was only getting a 10 per cent return on her investment. I would not mind a 10 per cent return on $250,000 worth of investments; it would be a lovely return. That is one of the reasons why we are leasing those plates out at $20,000, not $25,000.

Introducing non-transferable taxi licences will allow for an increase in the supply of taxis without the associated potential for a market to be created in these new licences. There is a reasonable lease fee to the lessee. You do not have to pay any loading on it to somebody else that is not running it. The money that the person who is the lessee of that vehicle earns will go into the pocket of that lessee and not into the pocket of some investor.

The amendment requires that there be transferable and non-transferable licences under section 41 of the Road Transport (Public Passenger Services) Act 2001. It will allow the government to release non-transferable lease licences in subsequent ballots for leased taxi licences.

Mr Pratt referred to the other 30. I guarantee to the house right now that all of those 30 will be non-transferable taxi licences. In fact, if the marketplace can sustain further licence plates after that and we are seeing an improvement in service, with no discernable loss in income for the actual operators, we will consider releasing more. But I guarantee to the house that they will be non-transferable licences. Any future new types of taxi licences may also be either transferable or non-transferable, according to the law, because we cannot remove the property of somebody retrospectively, which is why we have got the two types in the legislation.

The amendment will provide greater assurance that new taxi licences will not attract value and hence costs for the operators, as has occurred with standard taxi licences. The amendment will not affect taxi licences issued prior to the commencement of the amendment act; it is prospective.

The operator of a taxi service must not only hold a taxi licence for each taxi but must also be affiliated with the taxi network. The Road Transport (Public Passenger Services) Act 2001 provides two kinds of taxi network accreditation: accreditation of networks providing services to restricted taxis and accreditation of networks providing services to "taxis other than restricted taxis". Further subcategories of network accreditation within these two types are also possible.

I acknowledge the work that the former Minister for Urban Services, Mr Smyth, did when the Liberals were in government, trying to sort this mess out. The frustration he must have felt is something that I share. We have no law in the ACT preventing another taxi network from setting up. Regardless of what we both tried so far, we could not get a second one to be viable in the town.

The legislation continues to allow various kinds of network accreditations. Networks may be able to refuse to affiliate people operating under the new types of taxi licences. We cannot have that. The amendments will simply require a taxi network to be accredited as a taxi network, and those networks will offer taxi dispatch services to taxi service operators regardless of the type of taxi licence the operator holds for the vehicles used in the taxi service. Any particular requirements that may need to be imposed on the networks providing services for certain kinds of taxis will be dealt with in regulation and under minimum service standards. These changes are particularly desirable in an environment where a single entity holds all ACT taxi network accreditations.

Several of the key aims of the government's sustainable transport plan are to reduce transport costs, improve the reliability of public passenger services and improve the equity of access. More flexible taxi licensing arrangements have the potential to contribute to all these objectives.

The other main feature of the amendment bill is the relocation of enter-and-search powers and the regulation of primary legislation. Enter-and-search powers are currently contained in the Road Transport (Public Passenger Services) Regulation 2002 and the Road Transport (Vehicle Registration) Regulation 1999.

These changes, as Mr Pratt pointed out, are in response to the scrutiny of bills committee report No 6, dated 4 April 2005. The report raised concerns regarding the location within

a regulation of powers to enter and search premises, and the committee considered that such powers should only be provided in primary legislation. I support that very strongly, having had two terms in this place on the equivalent of the legal affairs committee where we talked about the infringement of or impingement on people's rights. Those matters, whether they be legitimate or potentially illegitimate, need to be debated in this chamber, not left to the chance picking up of a piece of subordinate legislation. I appreciate the support of the opposition on this particular approach.

If it is in primary legislation, it is drawn to the attention of the Assembly in debate on the passage of that bill. If it is in subordinate legislation, there is a potential and a possibility that the chamber will not pick that particular piece up within that subordinate legislation. Therefore, using a motion to disallow engenders debate on it. So I am very, very happy to remove the possibility that that will just slip through the cracks.

The bill relocates, as I said, the regulation into the act. Similar powers, of course, are to be located in the Road Transport (Vehicle Registration) Act in relation to authorised premises for vehicle inspections. The legislation ensures good regulatory practice by moving them into primary legislation, as I said. Further changes detailed in this bill are important in ensuring governments are able to pursue desirable policy outcomes in the taxi industry in the future without unnecessary and unhelpful legislative restrictions.

I address a couple of things that were said. Firstly, for the benefit of Dr Foskey, who says it is too expensive to catch a bus from the airport into Civic: if you are an airline passenger coming from interstate, you can get an airliner bus now from the airport into Civic for $7.00. It leaves on the half hour, at something like 28 minutes past the hour and 58 minutes towards the o'clock. It is a half-hour service, coming out of the airport from roughly where the taxi rank is. For those people who are travelling, it is $7.00 to the city.

Mr Pratt: How many hours a day does it run?

MR HARGREAVES: I am not quite sure how many hours a day. It is run by Deane's Buslines. It is there for all aircraft that land with passengers in them. It may be 11.30—I am not quite sure about those times—but it is designed to give those passengers coming in by airline an alternative to taxi transport or limousine transport into Civic. I encourage anybody who wants some detail on that to contact either the Canberra airport or Deane's Buslines who will be very, very pleased to answer or, alternatively, read the *Canberra Times* of a few days ago when we had a bit of a spiel out there.

The other thing is that, for people working in the Brindabella business park, the Canberra airport subsidises their bus travel on the same buses from the Brindabella business park into Civic, so that they pay no more than if it were on an ACTION bus. Let us say it is $2.50, for the purpose of the argument. Then the airport is subsidising the remaining part of the $7.00. So it is not true to say that there is not a bus service from the airport to Civic.

Furthermore, we have introduced demand-responsive transport so that it is possible for people to run a bus service from the airport to Parliament House, provided two things occur. One is that they are an accredited bus service under that particular DRT and that they have permission at both ends of the journey to stop and pick up passengers. So it is up to the airport whether they can or cannot do it. There is a fight going on at the

moment with Canberra Cabs about DRT, but let me tell you that their fight is with the airport, not with the government.

I want to talk about some of the things that Mr Pratt said. He talked about those standards of fines. I will be introducing the fines. The reason for that it is that it is a fat lot of use having standards when we know that they have not introduced standards or been able to enforce their own current voluntary codes at the moment. So we will be doing it. I have said that very firmly here in this house before and I say it again.

In my view, the emergence of Elite Taxis and Silver Service Taxis has guaranteed pick-up and delivery and all those sorts of things for an extra cost, if you book it. If you flag it down, you pay the ordinary taxi fare. But if you book it, you pay the extra. That is pretty ordinary. If you ring up a taxi company, you expect to have a guaranteed pick-up when you nominate the time. What is happening is that people are paying more for an ordinary service. In fact, that has done nothing except reduce the size of the fleet by the number of Elite and Silver Service cabs on the road. And I am not happy about that bit either.

We talk about the taxi customers having no guarantee. There is not much we can do about that, because, if you ring up an electrician or a plumber to come around to your house and he says, "I will be around there at 8 o'clock," you can be still waiting for him at 10 o'clock, with no contact from that company. It happens all the time in this city. We need to make sure that we treat all commercial enterprises in the same way and not regulate them to do it.

However, we have the minimum standards in the legislation so that a taxi network will be penalised if they do not pick up a certain percentage of people within the time that they have booked. They have the sanctions, and they use them occasionally. They take that taxi driver off the air and dry up the supply of service. They have their own rules and their own contracts with their drivers. So there are sanctions already existing. It is a case of whether the company, the taxi network, has the will to do it.

This is part of a suite of changes. Dr Foskey talked about lots more needing to be done. We have got the limousines done; we have got the DRT done; we have got this taxi system; we have got minimum standards being introduced. One of the important parts of this particular piece of legislation is that we will be putting more money in the pocket of the actual taxi licence holder who is driving his or her cab, such that there is an incentive for them to get out there and do a good job. Most taxi drivers in this town are wonderful people and are quite professional. But this industry is in such a state of malaise that it has to fix itself. If it will not fix itself, then this government will do so for it and I will be enforcing those fines.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Health Legislation Amendment Bill 2006

Debate resumed from 11 May 2006, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.58): I am sure the minister will be here shortly. I will talk slowly to give her time to come out of her budget briefing so that she can help us pass this very important Health Legislation Amendment Bill 2006.

The opposition will be supporting the bill. There are three broad purposes to the bill. Firstly, it permits the exchange of sensitive information where this would improve health services provided in the ACT. Secondly, it ensures that peer committees such as quality assurance or clinical privileges committees are properly established and informed so that they can make appropriate decisions for the wellbeing of the people of the ACT. Thirdly, it provides a longer transition period for health professionals to transfer to the Health Professionals Act, which was passed earlier this term. I thank the minister's office for enabling a briefing with senior health department officers on this legislation.

The key amendments relating to sensitive information appear to be quite reasonable. There is an appropriate rationale for these proposals. At present, quality assurance committees and clinical privilege committees cannot talk with each other about what are called adverse events. Adverse events, for members' information, are where a medical procedure goes wrong.

It is quite interesting at this time that we have information in the system that is not being shared appropriately. I note that is not only between clinical privilege committees and quality assurance committees but also between the public and private sectors. For instance, in a hospital in the ACT, if you had a medical practitioner who was acting in the public part of the system and had some adverse events and then, to possibly escape scrutiny or for career moves, he or she moves to the private part of that system, what happens in either part of the system cannot be discussed by the quality assurance committees.

When we have adverse events, that is, occasions when some serious action is taken or an outcome happens, such as a death or something similar, it is important that health professionals involved in evaluating these matters have access to all the information, including the history of such events. If there were an unexpected death, the coroner would become involved. To date, the coroner has been largely excluded from this process, and the amount of information that has flowed from the quality assurance committees to the coroner has been somewhat limited, unlike in other jurisdictions.

This bill will bring the ACT in line with other jurisdictions so that the coroner can, in a timely fashion, be made aware of information that the committees have. As I said, at present it is not possible for relevant information to be provided to the coroner until some significant delay—in some cases not at all. These proposals will permit the coroner to be involved at a much earlier stage. The overall impact of this is that any adverse event and any history or pattern of adverse events may be identified more quickly, investigations

into these events started more quickly and action taken more quickly to avoid a recurrence or to set in place procedures to ensure such events do not occur again.

I note that there were extensive consultations at the early stage of the development of these proposals. Interested organisations appreciated being involved in the early discussion. However, I was surprised when I consulted the ACT division of the Australian Medical Association and the ACT Division of General Practice that they were not aware that the bill had been tabled or had not seen the bill until I phoned them immediately after the briefing that I received. While they were actively involved in earlier consultations, I understand late last year, there has been apparently no contact on this legislation since it was drafted and tabled. These organisations should have been involved, right up to the point of the bill being tabled. They are now aware of the bill. They tell me that they support the bill, and the opposition will support this bill.

It is interesting, when you look at some of the sections, particularly those which ensure that people speak frankly and freely—and I draw members' attention to clause 47 "Quality assurance committees—admissibility of evidence"—that evidence given to the committees is not admissible in a proceeding before a court where it has been given to or prepared specifically for the committee. Hopefully, this ensures that people will come forward.

Where some action, perhaps a criminal action, may be started, that is covered in other parts of the law. First and foremost, people need to be aware that there is no immunity given by clause 43 of this bill. It enables people to come forward openly and quickly so that we learn from mistakes and not compound them by the secrecy that perhaps exists at this time.

Under clause 34, there is protection of members of the quality assurance committee itself, so that under this clause no civil liability would attach to a relevant person for a quality assurance committee. It makes sure that all those involved in the process understand where they stand with the law. It outlines quite a good process now in that we bring together the public and private parts, particularly of the hospital system, so that we get quality assurance. When privileges are granted to doctors, it is not because they are leaving one part of town in a hurry and moving to another part of town.

From the way the bill is drafted, Canberrans can have great deal of comfort, I believe, that, in the unfortunate case of an adverse event occurring, we can get to the bottom of it very, very quickly so that we can put in place remedies, procedures and practices that would stop it happening again. There is also the ability therefore to whittle out practitioners who are not carrying out, with due regard to the health and safety of their patients, the services that they provide to the standard that we expect.

With all that said, the opposition will be supporting the bill.

DR FOSKEY (Molonglo) (12.04): This bill has an imperative. It has to be passed this week because it includes a clause which necessarily delays the implementation of some of the elements that were recently passed in the Health Professionals Act. The bill was introduced on the last sitting day in May, so there has been very little time here for Assembly processes, although I have had a few weeks to ask others more involved in the hospital business for their views. Perhaps my office did not move quickly enough on this

bill or take advantage of the briefing that was offered—and I am sorry about this—because it means that it really has only been in the last couple of days that we have become aware, in the context of the bill, of some continuing concerns amongst doctors and consumers regarding the way quality assurance committees work and will continue to work when this bill is passed.

The concerns are not new and clearly have been considered in the development and drafting of this legislation. I concur with Mr Smyth about the aspects of the quality assurance committees that he has discussed today. But the history of acknowledging adverse events in hospitals is of relevance here. While adverse events have long been a feature of healthcare and their incidence has long been a concern in our hospitals, it was only in the mid-nineties that a substantial project was carried out to look at the incidence of adverse events in Australian hospitals and procedures were put in place to look at them and learn from them.

When the results came out, people were shocked and concerned but not a lot happened. Slowly, however, in looking at how to deal constructively with the problem of undisclosed and unacknowledged adverse events, two closely connected concepts have gained prevalence as ideas or intentions, if not always as the reality. They are the need to make hospital care accountable and responsive to consumers and the establishment of a culture designed to acknowledge and learn from adverse events.

This bill is mostly concerned with the quality assurance committees, which are the confidential, self-governing committees of medical peers that oversee the quality of clinical practice. This bill is quite a substantial rewrite of the legislation. It ends the unhelpful division between the private and the public hospital systems and makes many considered changes to governance, reporting and privilege issues. It is, in fact, the outcome of quite a substantial body of work and it is disappointing that it has been in front of the Assembly for such a short time before having to be debated.

My position then is that I would like to flag that there are still some aspects of the model that need closer attention. I advise the Assembly, particularly the minister, that we should look more carefully at these outstanding concerns when the next health legislation amendment bill comes up in a few months time.

The key concern is that quality assessment committees will remain too closed and so are in danger of being self-serving. For example, I have been contacted by a doctor from the medical board with concerns regarding lack of transparency. As it currently operates, the committee may make decisions to curtail a doctor's or another health professional's rights to take on particular work, but those constraints might not be passed on to other jurisdictions.

There was a recent health complaints commission inquiry where 30 medical practitioners refused to provide statements to the commissioner. There were undoubtedly complex reasons why this was the case, but it reflects an unhealthy culture which we need to move beyond. While these quality assurance committees have the powers to conduct their own inquiries, they do not appear to be required to cooperate with health boards or the minister. I have been given the example of specific concerns about a doctor that were raised two years ago with such a committee yet there has still been no response. It seems that quality assurance committees can be too much a law unto themselves.

There are also a number of smaller and perhaps technical issues. For example, if a health professional becomes aware of malpractice or serious error, they have an obligation to report it to the relevant health board. But if that professional is on a quality assurance committee where that matter is being discussed, the professional is simultaneously obliged to keep it privileged. Similarly, while it is made explicit that providing information to such a committee does not breach professional codes of conduct, it ought also specifically mention the employees code of conduct. In essence, the higher order workers are protected better than those at a lower level.

The Health Care Consumers Association of the ACT, the ACT's peak health consumer body, shares these concerns and argues for some community or consumer involvement in these committees. In correspondence with my office, the point was made that the privileging function of these committees is at risk of being hijacked by the clinicians to suit themselves and without adequate scrutiny.

Their key concern is that the privilege committee can potentially allow its decision making to be entirely influenced by the clinician culture rather than the application of scrutiny of community standards. This is something that the Health Care Consumers Association of the ACT does not see as desirable, and nor do I. That is why it is being suggested that the involvement by consumer and community representatives in the privilege committees could maintain the connection with community standards and expectations.

It is interesting to note that in Britain there is a 40 per cent consumer representation on boards and committees overseeing health professional standards. This is in stark contrast to our own system. Any restructure of the health system should include a really close look at these committees.

There are other instances where the powers and the role of these committees would seem to run across more open and transparent procedures and governance arrangements, but unfortunately we have got to this point too late. Some of these matters have no doubt been considered but, when they are fundamental to the direction in which we wish to take our health system, they should be picked over here in the Assembly when we debate the bill.

I wonder whether the ACT government has a position on circulating the black-letter legislation to interested stakeholder bodies when it is introduced in the Assembly. In this case, I would have thought that an automatic part of the tabling process of government legislation could include a brief email message with links to the legislation and a copy of the tabling speech being sent to the relevant health boards—the ACT Health Care Consumers Association, the Royal Australasian College of Surgeons, the Australian College of Midwives and so on. I have no doubt that these interested parties have been aware of this project at different stages. Mr Smyth has alluded to that. It is a good thing that they are involved.

Just as we want to avoid adverse events in our health system and want to be rigorous in learning from error and the breakdown of systems, we need to take the same approach in developing legislation. It is really only when the law is drafted that people can see what has or has not been taken into account. While government will not agree with everything,

it helps the democratic process and improves the quality of the final outcome if that debate can continue into the Assembly. This is, in itself, a form of quality assurance. If this were a minority government, we would have other options open to us. But in this case all interested parties are dependent on the good grace of government.

I will be writing to the Minister for Health to formally suggest that we look more carefully at the issues on privilege, communication and transparency on these committees. My office will advise those interested consumers and health professionals of the government's response.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (12.13), in reply: The need to use information about healthcare outcomes and improvement activities to improve patient care is now well recognised. However, many healthcare professionals feel that the information they contribute to those activities might unfairly be used for purposes other than those for which it was intended.

The current Health Act seeks to provide for the confidentiality and protection of certain information generated by or for the purposes of healthcare quality improvement committees. It facilitates the withholding and protection of information from both the courts and the public to enable quality assurance and other approved functions to be undertaken in an atmosphere of open disclosure.

This bill seeks to amend the Health Act by amalgamating parts 3 and 4, which deal with quality assurance committees in public and private healthcare settings. The functions of quality assurance committees are to facilitate the improvement of health services provided in the ACT. The bill will remove unnecessary distinctions between public and private quality assurance committees. The amalgamation will provide a level playing field in respect of quality assurance committees or health sectors. It also aims to ensure quality assurance committees are only established if appropriate and do not continue in existence if they do not function properly. In addition, the bill ensures quality assurance committees report appropriately, are run appropriately and are accountable and addresses concerns about confidentiality and disclosure, in particular in relation to disclosure of information, by previous members of committees and persons assisting or associated with committees, to courts and health professional boards.

The bill allows the Minister for Health to approve a quality assurance committee for a health facility, a health professional organisation or a purpose granted to the committee. In approving the committee, I must be satisfied that the functions of the committee will be facilitated by the members and other people assisting the committee being protected from liability and that it is in the public interest to restrict disclosure of information.

To balance these provisions, the bill requires approved quality assurance committees to provide an annual report. This report must state the details of the health services assessed and evaluated and the results of those evaluations. This report should also identify the committee's conclusions and recommendations, if any are made.

Section 8C of the Health Act provides for the approval of a committee to investigate, assess, review and evaluate the clinical privileges provided to health services providers.

The role of the clinical privileges committee is to provide specialist advice as part of the medical specialist appointment process. The aim of such process is to ensure that healthcare professionals have an acceptable level of knowledge, skills, attitudes and competence consistent with standards established by their registering professional body or equivalent and that they are practising safely.

All processes must be underpinned by the principle of national justice, given the significance of the process to professional practice. This current provision within the legislation applies to public health facilities, not private. The provision within the bill has been moved from section 8 (2) (c) to part 5—clinical privileges—of the Health Act 1993 and discretion is provided to declare private and public sector committees can undertake this valuable role.

The current act protects the identity of consumers but does not contain general confidentiality requirements that prohibit members or other people associated with committees from divulging information gained as a result of the activities of the committee. The bill contains provisions which prevent a person who is, or has been, a member of a committee making a record of, divulging or making use of any information gained while acting on the behalf of the committee, except to perform the functions of the committee.

Qualified privilege is a specific legal doctrine relating to the law of defamation. It essentially means that, if you report a matter to someone to whom you might reasonably report it and you do so without malice, then you have a defence to an action for defamation that might be brought against you because of that report. There are provisions in the current legislation protecting people assisting committees from liability to an action and granting them qualified privilege in proceedings for defamation.

However, it is not clear whether people assisting committees are protected from the requirement to give evidence in ACT courts. The bill provides that members of a committee or persons assisting a committee must not divulge protected information or produce a document containing protected information to a court unless it will facilitate the improvement of health services provided in the ACT.

However, provision has been made to define exceptions to disclosure of the information in relation to the function of investigating a clinician's clinical performance, the reporting of findings to the chief executive, other relevant quality assurance committees, the coroner and health professional boards and to facilitate the open disclosure standard. These changes are in line with best practice in other Australian jurisdictions. In particular, the ACT coroner has been critical of the existing legislation which he believes hampers his investigations.

Our government has listened to these criticisms and consulted with the medical community about them. The bill moves to open proceedings of quality assurance committees to coronial inquiries where improvement to the ACT health system could result. This will end the tensions between the Health Act and the coronial court.

The provision of qualified privilege in quality assurance legislation is beneficial, for a number of reasons. These include ensuring participation in quality assurance

committees, allowing for frank discussion of issues leading to improvements in systems and processes, and benefits to the public as a result of improvements in healthcare.

The bill also proposes an amendment to the Health Professionals Act to postpone the default commencement provisions for a period of six months. The Health Professionals Act 2004 requires the gradual transition of identified health professions in the ACT from their current legislative arrangements to the Health Professionals Act 2004. The transition requires that individual professions develop new schedules specific to their particular profession. Once the new health professional schedules have formally commenced, then the corresponding health profession registration act is repealed.

The profession-specific schedules are being developed by health professional boards in consultation with members and organisations representative of the particular profession. These schedules, when allowed by the ACT Legislative Assembly, will replace the current individual health profession registration acts. The profession-specific schedules will contain provisions that are specific to the particular health profession and are the means by which the new legislative framework can accommodate registration requirements that are peculiar to particular health professions, while still maintaining overall consistency in the uniform application of current health professional standards to all health professions in the ACT.

A number of health professions are also using the transition to the Health Professionals Act as an opportunity to modernise their health profession-specific requirements. This has required, in some instances, a complete rewrite of the current registration acts which have, over time, included a number of ad hoc provisions which are inappropriate for inclusion in health professional standards legislation. In addition, the current registration acts contain a number of provisions that need to be relocated, repealed or amended. These consequential changes are also required to take place before the default provisions can take effect.

The scrutiny of bills committee have noted that the provisions regulating the admissibility of evidence in territory courts are incompatible with section 21 (1) of the Human Rights Act and/or are inconsistent with the Evidence Act 1995. The provisions of the bill restrict the production of documents produced expressly for an approved committee or statements made within the committee. The bill plays a central role in promoting quality assurance activities within the health sector.

Legislation provides protection from litigation to members of committees and those supporting them in relation to those activities. It is very limited in its application. Immunity is the very essence of the legislation as it facilitates full and frank disclosure and discussion of the issues before a quality assurance or clinical privileges committee. The legislation will not restrict access to those documents normally produced in the health sector. These documents are subject to the powers of courts and tribunals to compel disclosure.

The default commencement provisions in the Health Professionals Act are scheduled to take effect on 9 July 2006. On that day, all remaining ACT health professional legislation that is not being transferred by way of a health profession-specific schedule to the Health Professionals Act will be repealed. This would lead to uncertainty and

confusion in the health professional registration area if the current registration acts were repealed without a corresponding health profession schedule to replace that legislation.

At the present time, a number of health professionals have not completed their schedules and are unlikely to have all board appointment schedules drafted and consequential amendments completed by 9 July 2006. If the default commencement provisions are not postponed, it could lead to the repeal of some health profession registration acts before the relevant health profession schedule and appropriate consequential amendments have been made.

All consequential amendments associated with the transfer of health professions to the Health Professionals Act 2004 need to be passed before the default commencement provision can take effect. To overcome this problem, the bill will amend the default commencement provisions of the Health Professionals Act to extend them by six months. This will allow sufficient time to ensure that the remaining schedules and consequential amendments are made.

In conclusion, I thank members for their support. I note Mr Smyth's comment on the AMA and the Division of General Practice. My advice is that they were consulted in the first instance, as you pointed out. As they indicated they were happy in the first stage and, as the bill reflected exactly what was agreed, they were not further involved in a consultation process. If there is a problem with that, I will have a look at that.

In relation to Dr Foskey's comments, I look forward to the letter. We will respond to that letter. You made a number of quite significant points in your speech. I will have a look at the *Hansard* and the letter that you write to me. I am happy to have further discussions on that. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.24 to 2.30 pm.

Distinguished visitor

MR SPEAKER: Before I call Mr Stefaniak, I acknowledge the presence in the gallery of Mr Trevor Kaine. Welcome.

Members: Hear, hear!

Questions without notice

Rhodium Asset Management

MR STEFANIAK: My question is to the Chief Minister. Will the Chief Minister advise the Assembly of any staffing or financial management decisions made by the recently

departed chief executive of Rhodium Asset Management that were disputed by the corporation's board of directors or the ACT government? What were the reasons behind the chief executive's departure, and was there a request made by either the Rhodium board of directors or the ACT government for the chief executive to leave? Finally, can he advise the Assembly of the brief given to, as well as the role being fulfilled by, Maximus Solutions Australia in relation to the current operations of Rhodium?

MR STANHOPE: I thank the Leader of the Opposition for the question. May I take the opportunity to congratulate Mr Stefaniak on his appointment to the position of Leader of the Opposition. It is an honour to be elected by one's peers and colleagues to the position. I congratulate Mr Stefaniak on the honour that his colleagues have bestowed upon him. I take the opportunity to acknowledge the significant contribution which Mr Smyth made in that role.

There are aspects of the question which the Leader of the Opposition has asked which I will have to take on notice. I am, however, able to advise the Assembly that the then chief executive of Rhodium has resigned. The chief executive, in her resignation, as I understand it, indicated that she was resigning as a consequence of personal and health issues. It is, however, the case that, in relation to the management of Rhodium, some issues which arose as a result of assessments by external auditors of the management of Rhodium are being pursued. A consequence of those has been a significant review and assessment of management practices across the whole of Rhodium's operations.

I am aware that the company which the Leader of the Opposition referred to, Maximus, was engaged by Rhodium, I believe, as a result of the departure of the chief executive and as a consequence of the need by Rhodium for some expertise in relation to operational and management issues and that Maximus was engaged in light of the departure of the chief executive and as a result of issues in relation to management that were revealed and have been highlighted and investigated as a result of auditing of the records of Rhodium.

I am not sure that there is much more I can say in response to the specific aspects of your question, Mr Stefaniak, other than to say that, yes, the then chief executive of Rhodium has resigned. My understanding is that the reasons provided for the resignation were for personal and health reasons. But there has been an external audit of Rhodium which has revealed some issues in relation to management. Maximus has been engaged as a result, I believe—and I will confirm in further detail the nature and timing of the engagement of Maximus—specifically to provide management expertise and advice to Rhodium in the circumstance of the departure of the chief executive and issues that were identified in an audit.

I am not aware, to the extent that your question goes to the nature of appointments or otherwise, of any issue in relation to supposed appointments by the then chief executive around which there are any issues. I am not aware of those. I will have to perhaps take some advice on that. To the extent that your question went to issues around the appointment or engagement of staff or individuals, I am not aware of any issues on that. I will take some advice, Mr Stefaniak, and give you further detail on the specifics you raised.

MR STEFANIAK: I thank the Chief Minister for that. You may not be able to fully answer this, either. Can you assure the Assembly that both the management practices and the financial management of Rhodium are now in order?

MR STANHOPE: I went to some of that as to whether I can stand here today and give you a personal assurance. I cannot do that today. I can give you an assurance that there has been an external audit. I believe there have been two external audits of Rhodium to put beyond doubt issues that may have arisen. I believe that there have been audits by KPMG and by Ernst and Young. Those audits had raised issues in relation to financial management and management generally. Their reports have been fully embraced by the board.

My understanding is that every issue that has been raised has been vigorously pursued. I believe it was in the context of that that Maximus were engaged. I believe there is some continuing relationship in relation to services being provided by Maximus to Rhodium. It was in the context of management issues that were raised through external audits undertaken by both KPMG and Ernst and Young.

I cannot stand here today and give you the black-and-white assurance which you seek. I can assure you that issues in relation to the financial management of Rhodium have been identified by KPMG and Ernst and Young and that the reports of KPMG and Ernst and Young are being vigorously implemented. I can give you that assurance. I am more than happy to add to that answer anything which I will be subsequently advised as a result of your question. I will undertake to keep you fully informed.

Legislative Assembly—conduct of members and staff

MR GENTLEMAN: Mr Speaker, my question is to the Chief Minister. Is the Chief Minister aware of remarks made last year by the opposition leader and members of the opposition in respect of the resignation of a junior member of the Chief Minister's staff employed under the provisions of the lands act? Can the Chief Minister say if the same standards should apply to employers as apply to staff employed under the provisions of the lands act?

MR STANHOPE: Thank you, Mr Speaker. I thank the member for the question. This is a serious matter. It creates some mirth amongst the opposition, but I would invite members of the opposition perhaps to ponder whether or not Aidan Bruford is laughing as loudly as the opposition laugh in relation to this particular question and the seriousness of this issue.

I think it is important that we actually address the issues raised and the question of principle raised in the question today. And it is important, of course, in the context of a new Leader of the Opposition, that we refer perhaps directly to the attitude which the Leader of the Opposition and the Liberal Party obviously think appropriate in relation to issues of criminal transgression by the members of staff employed under the lands act in this place and the standard that will be applied to junior advisers and officers employed under the lands act.

It is interesting to go to the views of the now Leader of the Opposition in relation to the standard that would be expected of a junior lands act officer in this place as a result of his association with the parliament and politicians within the parliament. The now Leader of the Opposition, in relation to that minor property transgression of the Crimes Act—this is Mr Stefaniak—said:

> The community has rightly been angered by the refusal of the Chief Minister to sack the personal staffer …

The now Leader of the Opposition went on to say, "The Chief Minister needs to uphold the law." Mr Stefaniak then went on to say:

> There cannot be two laws, one for Stanhope favourites and another for the rest of the community. On the contrary, the public expect politicians and their staff to uphold the highest standards in all their dealings.

Mrs Dunne: I have a point of order, Mr Speaker. Could you rule on what area of responsibility the Chief Minister has that brings him to answer this question?

MR STANHOPE: The lands act.

MR SPEAKER: Yes, the minister responsible for the lands act.

Mrs Dunne: Thank you.

MR STANHOPE: It went to employers of people employed under the lands act. Those were the express views of Mr Stefaniak at the time, that the community was rightly angered that I refused to sack a junior adviser charged with a property offence. One might just ponder what the community would expect of a politician committing a crime that was life-threatening. One of the most dangerous things you can do when driving a car is to take telephone calls, putting the lives of other, innocent travellers at risk. We should sack junior, non-powerful staffers employed by politicians where they commit a property offence—

Mr Mulcahy: Mr Speaker, I wish to raise a point of order.

MR STANHOPE: but there is no need for a senior politician, a shadow Attorney-General, committing a life-threatening offence.

MR SPEAKER: Order, Chief Minister!

Mr Mulcahy: Mr Speaker, I believe that the Chief Minister has impugned the reputation of a member by referring to him having committed a crime, not an offence. He is referring to the Leader of the Opposition as a criminal by that remark.

MR SPEAKER: I think he was referring to something which is described as a criminal offence.

MR STANHOPE: It is. The Leader of the Opposition committed a criminal offence, a life-threatening criminal offence. A member of staff in this place committed a property

offence that did not offend anybody, except perhaps their sensibility, and did not risk their lives—injury—but the Leader of the Opposition says that the community is rightly angered that the Chief Minister would not sack this junior, non-powerful member of staff. We go on then with a platitude: there cannot be two standards, one for the Labor Party and members of staff of Mr Stanhope and one for the rest of the community. In fact, this was a position put long and loud by the then Leader of the Opposition when he used precisely the same standard and the same language. The then Leader of the Opposition, one Mr Smyth, said:

> One has to question the Chief Minister's judgement. He just does not seem to understand that his former adviser committed criminal acts.

What do we understand about the Leader of the Opposition? Mr Smyth then goes on to say, "One has to ask: what sort of standards does Jon Stanhope have that his adviser wasn't sacked?' Mr Smyth concludes:

> It is clear that those who occupy a place in the Labor family can expect to receive different treatment from the Chief Minister than ordinary citizens would receive.

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

MR GENTLEMAN: I ask a supplementary question. Chief Minister, how do Mr Stefaniak's comments of 12 months ago in relation to lands act employees contrast with his comments and actions in recent times in respect of his use of a mobile phone while driving?

MR STANHOPE: It is interesting how they contrast. We can go through the comments of the Leader of the Opposition and his colleagues, the entire bench, at the time in relation to the need for a junior member of staff who has committed a property offence to be sacked—

Opposition members interjecting—

MR STANHOPE: To be sacked, not that he actually face the law, not that he get his just desserts, not that the law be allowed to pursue its course, but that he be sacked, that he be no longer employed, that he be publicly humiliated, that he be thrown onto the dole. That is the standard. A junior member of staff must be sacked for committing a minor property crime. But when the Leader of the Opposition, the shadow Attorney-General, commits a crime that increases the possibility of actual death four-fold, really he can just laugh and shrug and say, "Oh, well. There is a different standard for me. I'm a powerful politician. I'm the Leader of the Opposition. I'm the shadow Attorney-General."

Sack those young non-powerful junior advisers that commit property offences but hang in there yourself. It is interesting to ponder this double standard, this hypocrisy. One can perhaps forgive, as one does, these minor transgressions of the law. What one cannot forgive is this appalling hypocrisy and double standard, where you hound out of this place a young member of staff and refuse to apply to yourself the same standard. Your colleagues sit there and support you. Like Mr Smyth, they bayed for his blood.

We talk about my judgment. Here we have a brand new Leader of the Opposition supported exclusively and entirely. There are no press releases out there from the Liberal Party or individual members of the party saying that there is a price to pay and it is not enough just to go to the police station and pay the fine. That is not enough. That is last year's standard.

This year's standard is to grin and bear it and see your way through it because you are a politician. You are elite; you are powerful. But if you are not powerful in this place or within this community, then we would expect a different standard of you. You have to go. You have to be humiliated. You have to be rubbished. You have to be driven onto the dole, which is what you did. You drove him onto the unemployment market. That is what you did. You drove him onto the street. Yet here you are, sitting complacently, laughing and sniggering and saying that it does not apply to you.

The then Leader of the Opposition is on the record about behaviour that will not be tolerated. Mr Smyth said that MLAs and staff are told that improper behaviour cannot be tolerated in the Liberal Party. That was the standard of the then Leader of the Opposition: MLAs and staff know that improper behaviour will not be tolerated; they will be sacked. That is the Liberal Party's standard—until, of course, it applies to one of them.

It is interesting to go back to Mr Smyth's statements of the time. In a press release of 14 April he said that any member of the Liberal Party, MLA or staff, would be sacked for any improper behaviour. That was the standard Mr Smyth was prepared to apply, and so it goes. If one listens to the debates and reads the transcripts of 2CC, the ABC and the television stations and looks at the press releases and reads the *Hansard*, the standard is: drive this young, inexperienced, junior adviser onto the dole for a property crime. But when it comes to a serious criminal driving offence by the Leader of the Opposition, turn your back and ignore it. It does not count anymore.

Mr Smyth's standard that no behaviour of this sort will be tolerated in the Liberal Party is, all of a sudden, forgotten. Mr Stefaniak's assertion in the media, in this place and in his press releases that it is intolerable that the Chief Minister did not sack this staffer does not apply anymore to Mr Stefaniak. But, of course, he is caught up in the middle of this.

Is it not ironic that, just one week before Mr Stefaniak's offence, the shadow minister for police railed at the role of the police and the lack of safety on our roads? Mr Pratt said that recent reports in relation to road accidents detailed an alarming trend. He called on the government to place a greater priority on road safety. This was on 8 May, a week or so before the infamous offence. A month ago Mr Pratt said:

> I am concerned that this—

alarming trend on the roads—

> may be due to the lack of police presence on our roads …

No. It is the result of the presence of the Leader of the Opposition on the roads.

Teddy Bears Child Care Centre

DR FOSKEY: My question is to the minister for education. The minister will be aware that the impending eviction of the Teddy Bears Child Care Centre from its current premises in the Emergency Services Authority in Curtin has led to broad-based community debate on shortages of quality childcare in some parts of Canberra. Although the minister has announced that consideration will be given to co-locating childcare services in government schools, he said that it would apply only to community childcare providers. That leaves Teddy Bears' children and parents with the same problem as they were facing a year ago. Minister, what is it about small locally owned childcare businesses that makes them ineligible as market rent paying tenants in a sympathetic school?

MR BARR: I think that, as a fundamental principle, we should not be using school facilities that are currently being used for profit-making enterprises. I am on the record as supporting the strengthening of early childhood provision across the territory. I think that there is a strong demand from parents for a single drop-off point, such that it would be a wise government that would consider such options. I have, in looking into the provision of education in the future, said I am open to the prospect of looking at some provision of early childhood services, be they playgroups, a range of out-of-school services and the provision of services that are not strictly education within an education facility.

It is an ongoing process, Dr Foskey, something that we will look at in the months and years ahead. I am not rushing to any particular decision. Whilst it would seem to be a neat, quick fix, I do not think that you make long-term policy decisions based on the need for quick fixes. My understanding is that Teddy Bears has a lease where it is currently until September-October 2007, so there is not a screaming hurry at this point for me to change education policy around the particular school that you are talking about. My view overall is that we can examine these options, but I am not going to have government policy across the territory dictated by the needs of one childcare centre.

DR FOSKEY: Does the ACT government have a prohibition on any commercial operation working in ACT government schools? Wouldn't greater flexibility for schools and communities lead to some more positive community outcomes?

MR BARR: I do not believe that there is an absolute prohibition, but I think that in examining this issue, Dr Foskey, I am sure that you would be aware that there would be other private childcare providers who would equally see a need and a desire to further their business by knocking on my door to get access to a whole range of school properties. I do not believe, as I say, that it is appropriate to make a broad-bush policy for the entire school system based on the needs of one particular childcare centre. It would be entirely appropriate for every other private childcare provider in the territory to seek to access any particular school that was made available for those purposes. My view is that we need to take a detailed look at that. My preference, obviously, is for community-based operations, and not-for-profit operations in particular, to have precedence in our schools should we pursue this policy option.

Hospitals—pay parking

MR MULCAHY: My question is to the Minister for Health, Ms Gallagher. Despite your recognition that it is inequitable to charge medical students for parking at Canberra hospitals, your department is charging them rates of around $4 or $5 per day. This is an impost that will amount to $800 per year for each of these students. Why are you ruling out supporting the introduction of exemptions for these students?

MS GALLAGHER: I thank Mr Mulcahy for the question. As members would be aware, the government took a decision in last year's budget to introduce paid parking at both Calvary and Canberra hospitals. Over the past few months there have been negotiations and a whole range of exemptions which apply to that paid parking regime, which include staff who are employed by ACT Health, Calvary Health Care, the Little Company of Mary, the ACT government, visiting medical officers, InTACT-based staff at the Canberra Hospital, ANU medical school staff, cleaners, kitchen staff and those who provide an essential service to patients or staff at the hospital and its ACT Health co-located facilities, patients and visitors who are holders of healthcare cards and are required to attend multiple times per week, renal dialysis patients and hospital volunteers who are registered through the appropriate hospital mechanism and who are rostered to provide a service determined by the hospital and for which the person receives no monetary benefit.

At the moment, with those exemptions, 75 per cent of users of the car parks at those hospitals are exempt from paying for parking, which applies to a maximum of $5 a day. Seventy-five per cent of users of the car parks are currently exempt. To go on and on would make the whole introduction of paid parking at the Canberra Hospital, and the reasons behind it, including increasing revenue in order to invest in the health system, very marginal.

I have looked at the students concerned. I have taken advice on it. It is comparable with regimes that exist around the country. In fact, there are some hospitals which do not allow students to park on the grounds at all. We have taken the view that the exemption regimes, as they have been negotiated and as they are in place, will be the final ones which apply when paid parking comes into effect in July of this year. This is the decision the government has taken. It is a difficult one. I accept that there will be some discomfort on this when it is implemented in full. In light of the decision to implement paid parking, the exemptions that have been negotiated with the government have been sensitive. We have applied appropriate exemptions when we can. At the end of the day, paid parking is coming in in July, and students will not be exempt from those fees.

MR MULCAHY: Thank you, minister. How can you justify your lack of support and regard for these students when other workers, volunteers, some categories of patients and other disadvantaged people, as you have pointed out, are given exemptions?

MS GALLAGHER: The exemptions regime, as I have just outlined, has been negotiated primarily for those who are spending a considerable amount of time at the hospital. While students at different periods of time will be spending the day at the hospital, that time is in no way comparable to the time spent there by those who have been provided with an exemption. At the end of the day, whilst the students are not

happy about it, we cannot have 75 per cent of the users of those car parks exempt from paying for parking. We have targeted those to whom we can provide exemptions and when it is fair to provide exemptions. Students are not included in that exemptions regime.

Elder abuse

MS PORTER: Mr Speaker, my question, through you, is to the Minister for Disability and Community Services. Yesterday, the Minister for Planning announced that a site in Nicholls had been released for aged care facilities. In light of this, could you update the Assembly on the other initiatives the government is undertaking for older members of the community?

MS GALLAGHER: I thank Ms Porter for the question. I have recently launched the elder abuse awareness campaign. It is a sad reality that elder abuse is a problem in our community here in the ACT. It is one of those areas that people do not think exist. But elder abuse exists in our community.

This government has undertaken several measures in order to raise awareness and ensure that older members of our community have access to information and referral services and services that can support them if they are experiencing elder abuse. The awareness campaign is aimed at older people, their families and friends and service providers for older people, through the provision of information fact sheets and postcards sent to service providers, displays at health centres, community centres and government shopfronts. Advertisements have also been running in community newspapers and on television.

The elder abuse prevention information and referral phone line has been in operation for some time. It has been promoted through this advertising. It runs from Monday to Friday during business hours, including public holidays and the Christmas period. As part of the awareness campaign, the line has been ramped up, with several new features increasing its effectiveness for older Canberrans. The calls to date are demonstrating the assistance this line is providing, with a number of people contacting the phone line and making complaints about residential services and family members and making general information requests. The Public Advocate's Office receives referrals from the phone line. To date, the majority of referrals have been given to the Community and Health Services Complaints Commissioner.

The ACT government is committed to reducing the incidence of elder abuse. The campaign around elder abuse supports this commitment.

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

Appropriation Bill 2006-2007

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (3.00): I present the Appropriation Bill 2006-2007 and the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 June 2006.

Budget 2006-2007—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).
Economic and Financial Outlook for the ACT.
CD—Budget 2006-2007.

Later this afternoon, I will be presenting statements of intent for territory authorities.

Title read by Clerk.

MR STANHOPE: I move:

That this bill be agreed to in principle.

Mr Speaker, every year the Treasurer rises to deliver a budget that deals with the coming year.

That is the reality of budgets—they usually deal with short-term fiscal imperatives.

This one does that too, but it does more.

It is a very different budget. It defines a path for the future—into the next decade and the one after that.

In education, it looks ahead to 2020—the year those youngsters just starting out at preschool will finish year 12.

In health, it looks to a time when older Canberrans will, for the first time in our history, outnumber young ones.

It looks at the crippling impost we will leave those who come after us in this place, on the government benches of 20 or 30 years time, if we continue to rack up superannuation liabilities at our current rate.

It is a budget that says it is time the ACT had the maturity and the wisdom to stop living beyond its means, as it has done, year after year, government after government, since self-government.

This is a budget for this year, and for the future.

Mr Speaker, in many ways this might be the most significant budget to be handed down in our short history. And it draws heavily on that history. It looks unflinchingly at what

we have done, how we have spent, the expectations we have nurtured, the excuses we have made.

The truth is not always comfortable. Many of us in this chamber, on both sides of the room, have been part of governments that have been complicit in this history. It is right that we feel somewhat discomfited.

The truth is, since self-government ACT governments have consistently spent more, across the board, on services than governments in the rest of the country.

And we have done so even though on the face of it our needs ought to have been lower.

We are more affluent, more highly educated, younger and healthier than the rest of the nation. Yet our expenditure on state services has been roughly 20 per cent above the national average.

And how have we funded this expenditure? Not by charging higher taxes, or sending bigger rates bills. Not by striking oil or discovering gold.

We did it, in the early years of self-government, by relying on transitional handouts from the commonwealth. More recently, we have done it by selling off the land under our feet. Sometimes, even these strategies have not been sufficient, and we have funded our higher levels of expenditure through wafer-thin surpluses, or deficits.

We have been living beyond our means.

Today, we start a process that will bring down our unit costs in health, without compromising our great outcomes. We embark on a journey that will consolidate our schools system and make it the first choice of Canberra families. We begin to align taxes and fees so that they better reflect the real costs of delivering services.

Mr Speaker, there is no crisis. Outside this building, the people of Canberra are going about their business—and their business is booming.

The economy is strong—and growing. We have virtually full employment—indeed, our businesses tell us that the biggest impediment to even faster, even greater, growth is that their prospects are outstripping the supply of labour.

State final demand is forecast to grow at three per cent in 2006-07 and 4.75 per cent over the forward estimates. Employment growth is forecast at 0.75 per cent in the budget year.

The forecast for the housing market—an important part of our economy—is for modest growth, with residential property turnover returning to long-run average levels.

There is no crisis on the streets and in the suburbs of Canberra. But there will be one—next decade, or in the decade after that—if we do not act today.

It will be a crisis that will seriously affect the capacity of future governments to deliver the sorts of services that Canberrans expect and deserve: the best health system, the best

schools, the safest streets, the best cultural experiences, the best roads, the purest water, the best amenities.

Mr Speaker, there would be some who would say that if we have gone on in this manner for the past 17 years, we can go on in the same way for the next 17.

We cannot. New pressures are emerging that make it imperative that we act decisively, and act now.

Revenue from land sales has fallen, and while it will fluctuate from year to year, while we might still expect occasional windfalls, over time land will contribute an ever decreasing proportion of revenue to the territory.

At the same time serious pressures are making themselves felt. Just like the rest of the country, we are ageing. In fact, as a community, we are ageing at a rate unequalled by any other city.

The implications of this shift will be felt most profoundly in our health system. Across the country, the demand for greater expenditure on health is inexorable. The ACT is not immune.

The demographic shift is being felt too in our government school system, where almost 18,000 desks sit empty.

These pressures are already manifest, already growing in urgency. Others—like our frightening superannuation liability—loom just ahead.

The temptation is not to look—to leave it for another day, another government.

Mr Speaker, this is the day, and this is the government.

Today, I hand down a budget and announce a suite of structural changes that will put the finances of the territory on a sustainable path.

Today, I announce expenditure measures that will bring greater efficiency to government service delivery, ensuring that the resources we have at our disposal are directed at the areas of greatest priority, and to those in greatest need.

I also announce revenue measures that will enable us to continue to deliver the excellent services that the community expects, but that reflect more accurately the true cost to government of providing those services.

I am pleased to say that, significant as these measures are, important as they are, they do not require the government to relinquish the social and economic principles we have articulated in our vision for this city—the Canberra plan.

To be sure, some of the goals we set ourselves in that plan may not be reached quite as swiftly as we would have liked. Some ambitions have had to be cooled. But the philosophy is intact. Our determination to build a community that allows every one of its members to reach their potential and engage fully is undiminished.

If anything, it is heightened. If anything, over time, our goals will be more achievable, because we will be able to do more with what we have.

And there is some exciting social policy work lying just ahead. The first steps have been taken towards the establishment of an elected indigenous body to fill the gap created by the federal government's abolition of ATSIC.

Our child and family centres are bringing a truly cross-sectoral approach to supporting and nurturing young families.

And as part of this budget we embark on a fantastic whole-of-government intervention program that will support and case-manage indigenous youngsters at risk.

Our Labor philosophy, our Labor focus, is intact.

This is a budget that values the neighbourhood, that understands that people feel strongly about their open spaces, their footpaths, the good condition of their roads.

It is a budget that will invest $20 million over four years on road and infrastructure repairs and $500,000 restoring more than 40 hectares of drought-affected sportsgrounds to operational condition.

While the full benefits of the reforms I announce today won't be felt this year, or even in this budget cycle, there will be some immediate impact on our finances. That is absolutely essential.

Mr Speaker, today, I not only have had the pleasure of announcing Labor's fifth consecutive surplus—an estimated surplus of $120.5 million for 2005-06—I today announce a financial future very different to the one anticipated in the midyear review.

Under Australian accounting standards, this budget forecasts a deficit of $16.4 million in 2006-07 and $11.7 million in 2007-08, and then a rise to strong surpluses of $73.2 million and $147.4 million in 2008-09 and 2009-10 respectively. Over the four-year period of the budget, there will be an aggregate surplus of $192.5 million.

But while these figures are comforting, Mr Speaker, we all know that they do not tell the complete story.

The ACT is now alone in using the AAS as its headline budget measure.

Today, I announce that the government intends to adopt government finance statistics—GFS—as its headline budget measure, starting now.

Under GFS, the budget forecasts a deficit of $80.3 million in 2006-07 and $40.7 million in 2007-08, rising to surpluses of $18.3 million in 2008-09 and $67.7 million in 2009-10 respectively.

The new headline budget measure will provide a clear indication of the impact of the government's policy decisions on the territory's financial performance.

Under this system of accounting, land sales and unexpected stock market gains—or losses—on superannuation investments will be excluded from operating revenues. The vagaries and volatilities of the stock market and asset sales therefore will have no impact on the territory's headline measure.

Consistent with the accounting standards under which budgets are required to be prepared, territory governments have in the past included these as revenues and made recurrent spending decisions on that basis.

No longer, Mr Speaker.

It goes without saying that in the short term, under the GFS measure, the territory budget will record considerable deficits. That is one of the reasons that no earlier government has ever moved to GFS.

It would have been easy—indeed it was very tempting—for the government not to adopt the GFS standard at this time, to leave that, as earlier governments have done, along with all the other tough decisions, for another day.

After all we are forecasting substantial surpluses very shortly, under the current accounting standard—the basis under which all previous territory governments, of all political persuasions, have prepared their budgets.

But my government believes that this too is a decision that could not wait.

The adoption of GFS is consistent with my government's strategy of reducing reliance on land sales and unexpected stock market windfalls. Once the switch has been made, no government ever again can be tempted to ignore the underlying reality of the territory's fiscal situation.

Having grasped the nettle, I am pleased to announce that the budget forecasts GFS net operating cash surpluses across each of the forward years.

Mr Speaker, those results are no accident. They are not down to luck or a stock market gamble. They are down to a Labor government determined to put this territory on a stable financial footing.

The reforms announced today in this budget put the territory on a path to achieving eventual GFS surpluses.

Mr Speaker, while we have adopted a new standard, money from future land sales will continue to be recorded on the balance sheet—or capital account—and will of course remain available to the government of the day, to acquire new or replacement assets.

Similarly, any gains on our superannuation investments will be posted on our balance sheet and will be available to meet liabilities looming into the future.

Our economic future

Mr Speaker, governments do not exist for their own sakes, but to serve their communities and support them.

One important role of government is to create an environment that is welcoming to business, an environment in which red tape is kept to a minimum, in which taxes do not act as a disincentive, in which excellence and innovation are rewarded, in which opportunities are created for those willing and able to take them.

Canberra may have begun its life as a public service town, but six out of every 10 of our jobs are now in the private sector. The balance has shifted. It will shift more in the future.

Since coming to office, and in particular since the release of the economic white paper, Labor has provided real and meaningful assistance and support for business, helping to attract and encourage entrepreneurs to our community, and helping them develop and flourish once they are here.

It has worked. Since Labor came to office the number of small businesses in town has grown steadily. We now have the highest concentration of knowledge-based industries in the country and boast more than 1,000 ICT firms. In 2004-05 home-grown exports hit an all-time high of $763 million.

The feeling of energy and optimism in the business community is greater now than it has been for years.

We are enjoying a commercial construction boom unequalled in the period of self-government.

We have secured NICTA for the territory.

The government is delivering a refreshed and reinvigorated convention centre.

We have listened to business in this town. We are still listening, and what we are hearing is that strong business growth has meant that needs have moved on.

Again and again, business is now telling us that the biggest challenge confronting them now is not getting off the ground, but finding the world-class, skilled workers that will let them reach their growth potential.

They are telling us what they want from government is sound economic management, strong fiscal policy, a responsive and efficient public service, an easing of regulatory complexity, and a more streamlined planning system.

In this budget, that’s what we deliver.

Today, the government sharpens its focus, taking the emphasis off grants-based support for individual businesses, and putting it squarely on creating the kind of environment that

will help the businesses that are already committed to this town grow to their full potential.

We are doing that by introducing sweeping reforms to our education system, reforms that will create clear pathways for students, preparing them for the jobs of the future, right here in the territory.

We are doing it by actively selling Canberra's virtues as a place to work, with promising results from a pilot "live in Canberra" campaign.

We are creating simpler, clearer and more efficient organisational structures, scaled to the reality of a small city-state, and ready to support business.

We are simplifying the regulatory framework, and its administration too.

We are providing an extra $585,000 to continue reform of the planning system, to render it even simpler, faster and more effective. In this respect, supply reforms are just as crucial as demand reforms. Cabinet will be shortly considering the possibility of guaranteeing a set percentage of each year's land release in the territory to the market.

Our expenditure on economic development will be brought into line with national averages, and the investments we make will be better targeted, to give greater dividends to the business and broader community.

The government will not make further investments in locally focused venture capital arrangements. We believe the market is now well served with our contributions to ANU Connect, the Canberra Business Development Fund and Epicorp. And we are pleased to see the Capital Angels Network—a private-sector-run investment network—now gathering momentum.

Marketing activities will be rationalised, to minimise duplication with commonwealth activity.

We will give business the things business tells us it needs: good information, good mentoring, good support. This budget provides an additional $1 million a year to extend and develop these services and functions, along the lines of the CanBAS model.

Mr Speaker, good governments help their communities build on their competitive advantages. Good governments make sure that they really know their communities inside out, so that those advantages are clear.

Today, I announce a strategic review of Canberra's innovation systems and assets. This review will look at all the elements of the system and how they interact—enterprises, institutions, talent pools, the regulatory and support environments—and how we might better capitalise on these assets in new ways, led by the business community itself.

We will also develop an investment attraction strategy that will result in a suite of 'prospectus-style' marketing material, including online material, to help individual businesses in their own investment attraction activity.

And we will redouble our efforts to ensure that Canberra businesses have access to the best workers, with the best skills, with a strategy that focuses on human capital development and long-term work force issues.

This will involve some significant refinements to our business advisory mechanisms.

Mr Speaker, while this budget remains faithful to the vision and the principles of the economic white paper, it also responds to emerging priorities, and business has been strident in letting us know that their priority right now is skills.

Today, I announce the establishment of the ACT Skills Commission.

The commission will replace the existing Canberra Partnership Board and the Small and Micro Business Advisory Council.

The ACT Skills Commission will provide leadership and ensure coordination of effort. It will ensure that tackling skill shortages is at the forefront of our decision-making and our policy-making.

Tourism

Mr Speaker, Canberra is not just a city of 330,000 proud residents. It is the nation's capital, home to national attractions and monuments which belong to all Australians.

There is always a balance to be struck when we consider how to best promote our city to ourselves, and to those from outside our borders.

There is no doubt that the national face of Canberra is already well promoted beyond the city limits by commonwealth agencies such as the National Capital Authority—and, of course, by the national attractions themselves: the war memorial, the national museum, the national gallery—each has a significant promotions budget.

The danger is that we will find ourselves duplicating the commonwealth effort, or making an investment in the promotion of local sights that cannot be justified by the dividend.

This budget reduces funding for tourism, though it will still be above the national average. Some of the savings will come from the consolidation of tourism functions within the public service. While the ACT Tourism Corporation will no longer exist, the government will want to keep speaking to members of the board and drawing upon their ideas and expertise in a less formal capacity.

Structural reform

Mr Speaker, one of the greatest gifts any government can give to the community is a public sector that delivers the best possible services at the lowest possible cost. Ask an average Canberran whether they would prefer their rates and fees to be swallowed up in agency overheads or to end up back in the community in the form of services, and his or her answer will be clear.

Today, the government embarks upon a major reform of the public sector and its structures, a reform that will see fewer of our resources swallowed up by administration.

The public sector reforms in this budget seek to consolidate transactions, bring functions and agencies together, where it is logical that they be situated together, and improve policy advice to ministers.

As I announced in April, we will establish a Shared Services Centre that will bring together human resource management, finance, information technology and communications, procurement and records management.

Economies of scale will flow from better job design and greater specialisation, the adoption of common processes, a reduction in duplication, and the greater operational flexibility that comes with a critical mass.

Importantly, there will be benefits for staff, through greater opportunities for learning, peer support and career progression.

Other measures will deliver additional efficiencies.

Six-cylinder vehicles in the government's fleet will be progressively replaced with four-cylinder cars, and the overall size of the fleet will be reduced, bringing not just economic but environmental benefits.

Office accommodation of public sector employees will be rationalised as leases expire.

The new Administrative Arrangement Orders coming into effect on 1 July will bring other significant changes.

Given the central importance of economic development, and its interdependence with other whole-of-government policies, the economic strategy and business development functions of the Department of Economic Development will be transferred to the Chief Minister's Department.

A new Department of Territory and Municipal Services will be established, bringing together a host of territorial services and functions.

Sport and recreation functions will be absorbed into this department, better integrating the management of facilities such as sportsgrounds and pools with the sport programs delivered in those facilities.

Environment ACT will also become a part of the department, integrating all urban and non-urban land management functions in one place and creating greater opportunities to ensure that the land policies we pursue will be sustainable, with a clear sense of our responsibility to reduce greenhouse gas emissions.

Transport functions will be combined in a new Office of Transport within the Department of Territory and Municipal Services. ACTION will be transferred to this office.

Emergency services will be brought under the umbrella of the Department of Justice and Community Safety, but the statutory powers and responsibilities of the chief officer of each operational service will be preserved.

A host of regulatory functions across various government agencies will be merged into a single office within the justice and community safety portfolio.

The full year effect of these structural reforms is a decrease in the cost of public services in the order of $55 million—or 1.7 per cent of the total budget.

Mr Speaker, the issues with which a modern public sector is asked to deal are frequently complex and often require prompt action. It is more crucial than ever that the structures are responsive and adaptable to new challenges.

The changes I announce today will create a new capacity in the service to respond to emerging problems and issues, to deliver on policy priorities and to respond promptly to changes in those priorities. The coordination and guidance role of central agencies will be considerably strengthened. That means advice to government will be better advice and that means government will be better able to deliver on its own policy priorities.

Collectively, the measures announced today will result in a reduction in the size of the ACT Public Service in 2006-07 of about 500. This is similar to the decrease we achieved in 2005-06 and will once again be achieved through natural attrition and voluntary departures.

Mr Speaker, a further essential public sector reform I announce today relates to superannuation.

From 1 July this year, all new entrants to the public service will be eligible for an employer superannuation contribution of nine per cent. This will increase to 10 per cent if the employee makes a contribution of at least three per cent. Every public servant will also have access to salary sacrifice provisions if they wish to take advantage of these to increase their super.

Similar reductions in entitlement will apply to new members of the Legislative Assembly.

The superannuation entitlements of all existing workers will be unaffected.

Mr Speaker, make no mistake. This was not an easy decision for a Labor government to take. The anguish involved was almost as acute as the anxiety of looking 10 to 20 years into the future and imagining the ramifications of not making the decision.

The facts are plain. While there will be some very modest benefits flowing from this reform across the forward estimates, the real budgetary impact will not be felt for decades.

If my government had not taken this tough decision today, if I had left it for another budget, another Treasurer, another government, in 20 years time the annual

superannuation bill for the government of the day would have reached $350 million in today's dollars.

That is almost half the health budget.

What would I—long-since retired, sitting in my rocking chair, watching the bankrupt Treasurer of 2020 deliver a morsel here and a morsel there to a clamouring community—have told my grandchildren about why their property rates had just gone up by 300 per cent?

Mr Speaker, instead of leaving the decision on superannuation to a future government, on another day, this government has chosen to do the right thing for the Canberrans of the future.

In fact, by acting now and by aggressively ensuring that we make provision for future superannuation liabilities, as well as for current ones, I am able to announce that we have been able to bring back the expected date by which our superannuation liability will be fully funded to 2030.

Even if the public servants of 2006 do not thank this government, their children and grandchildren will.

Health

Mr Speaker, there is no question that health is the single most important service area for any government—the most costly and the one that has the most devastating consequences if it is neglected.

At the same time, it is an area of the budget that must be managed. This is perhaps the only area of government expenditure where demand could be truly said to be insatiable.

We must allow for growth in our health spending, but we must also contain that growth. Put simply, the growth rates of recent years—over 10 per cent a year—cannot be sustained. Unchecked, they would see health expenditure consume more than 50 per cent of the total general government expenditure by the end of the next decade.

This budget provides significant additional funding for health—$41.7 million in 2006-07, $51.7 million in 2007-08, $69.7 million in 2008-09, rising to $114.2 million in 2009-10.

But this new investment must be directed well and carefully. It must go to where it is most needed. Our attitude to health, like our attitudes to many other areas of government expenditure, must change.

The cost of our hospitals has been well above the national benchmark since self-government. This budget sets efficiency targets that will see the cost per separation being brought to within 10 per cent of the benchmark over the next five years.

Funding to some areas of significant demand pressure will continue to grow at high rates.

Cancer services will be funded to grow at eight per cent a year; mental health will be funded to grow at six per cent a year and the health and community care program, which provides support to older Canberrans in their homes, will be funded to grow at a rate of nine per cent a year.

A good health system focuses on improving health outcomes. It focuses on prevention. It avoids unnecessary hospital admissions. It provides care in the appropriate setting. Above all, it engages people in their own health, pricking them into self-awareness, encouraging them into self-management.

Reforms being introduced in this budget will streamline and differentiate the services offered by the Canberra Hospital and Calvary Hospital.

This represents a major reconfiguration of service delivery.

The Canberra Hospital will be clearly identified as the major tertiary referral hospital and Calvary as a provider of general hospital services. Both will continue to offer emergency services.

The outcomes of this reconfiguration, when negotiated, will hopefully be greater specialisation, a better containment of demand growth, and a real reduction in unit costs.

Negotiations will commence with Little Company of Mary Health Care to clarify ownership and control arrangements to ensure that the government is able to get best value for money from the services it purchases from the hospital. A planned subacute facility will proceed, boosting post-acute care and rehabilitation and reducing pressure on the acute hospital system.

Community health will be reformed. Unnecessary admissions to the hospital system will be reduced, with support systems targeting those Canberrans at risk of multiple hospital admissions and those just discharged from hospital.

The ACT's higher-than-average expenditure on community health is in part due to universal, free access to programs that are means tested or that attract a fee in other jurisdictions. In line with other states and territories, people on higher incomes will in future be asked to make a contribution towards the cost of some community health services they access. Safety nets will maintain free access for people on low incomes, including holders of health care cards.

Mr Speaker, growth in health expenditure across the forward estimates is higher than the growth in revenue. Health will continue to acquire an increasing share of the budget. It is right and inevitable that it does so.

The challenge is to contain the growth to sustainable levels. This budget does that, but it also represents a significant investment in areas of great priority.

$18.7 million will be spent not just replacing the second linear accelerator at the Canberra Hospital, but buying a third to meet a growing demand for oncology

services and creating the infrastructure to accommodate a fourth linear accelerator by 2012.

$12 million will be spent to boost acute bed capacity and almost $5 million to boost critical care bed capacity.

There will be a four-year, $10 million assault on waiting lists, and almost $5 million will be spent boosting the numbers of mental health specialists in our health work force.

Education

Mr Speaker, if health is the biggest budget item confronting governments, education is the next biggest.

Government schools and preschools have delivered education of high quality to Canberrans from the earliest days of this city's existence, helping generations of young Canberrans reach their intellectual and social potential.

There is no doubt that the sheer quality of that experience makes most long-term Canberrans fiercely protective of the system, and nostalgically attached to the neighbourhood school concept.

But as we progress into the 21st century, our government school system is labouring under considerable pressure from changing circumstances and changing community expectations.

It is losing students to the non-government sector, and it is losing out to an ageing of the population that is robbing our classrooms of boys and girls, leaving almost 18,000 empty desks across the system.

Our schools are under capacity by more than 30 per cent across the board. Our infrastructure is ageing. Some of it is tired-looking.

If current trends persist, our government schools will cater for fewer than half of our school age population within a decade.

This is another of the fast-looming crises which cannot be put off to another day or another government.

And nor would we want to.

Labor is deeply and philosophically committed to government schools. We don't believe the answer is simply to close schools with dwindling populations and to keep on closing them until there is just a ghost of a system left to remind us of what was.

We want to again make government schools the schools of first choice in this town. And we will do it, starting today.

This budget involves a historic investment in government schools and preschools.

It sets out a vision for public education that will take a child just starting out in preschool today, and give that child a clear and coordinated path through until 2020.

Mr Speaker, *Towards 2020: renewing our schools* will involve a major school rationalisation program, which will start immediately and continue across the forward years. A significant number of neighbourhood schools will close, with comprehensive consultation on proposed closures starting right away.

Over four years the government will invest $90 million in significant upgrades of remaining schools. Funding for school maintenance has been boosted by $3 million a year from 2007-08—a full 25 per cent—to ensure that schools are maintained to higher standards.

As previously announced, $45 million will be invested in a new preschool to year 10 school on the site of Ginninderra District High School.

Today, I can announce that another $21 million will be spent on a new primary school and preschool in East Gungahlin, while another $1 million will be spent on a feasibility study for a joint secondary college-CIT campus in Gungahlin.

That is a massive investment of $67 million in new schools.

This budget invests an extra $20 million over four years in information technology in schools.

Mr Speaker, quality infrastructure is an essential but by no means the only element of a good school.

Quality teachers, who are supported in their profession, take quality infrastructure and turn it into a quality school.

Program breadth, which gives students choice, also makes good schools.

Mr Speaker, this budget will allow us to create schools that combine these essential elements.

The ACT has prided itself on its school-based curriculum. The capacity to tailor teaching material to the needs of a particular classroom or a particular student, is part of the essential repertoire of a good teacher.

However, curriculum development can and must make appropriate use of nationally and internationally available models and materials. Teachers should not be in the business of reinventing their profession, just refining it. And that distinction will, over time, not only produce better results for ACT students but reduce the considerable costs of our existing curriculum development system.

Mr Speaker, over the next four years, Canberrans will see exciting changes taking place right across the government school system.

No longer will there be a single, standard template for schooling. Each region will have a plan tailored to its needs.

Some existing schools may become early-childhood schools.

Some may become middle schools.

The feasibility study into the proposed Gungahlin secondary college will look at the possibility of co-locating a college and a CIT campus, creating a truly seamless vocational education facility unlike anything seen in this territory before.

The government is excited by *Towards 2020: renewing our schools*. I know that the families of Canberra will be excited by it too, once they see the detail and understand the opportunities. I encourage them to engage fully with the proposals and concepts that have been suggested for their particular regions.

I am confident that this historic investment, and the '2020 vision' behind it, will restore confidence in our public schooling system and make it truly the system of first choice for Canberra families.

Housing

Mr Speaker, this budget involves some significant changes to the operations of Housing ACT.

As many Canberrans would be aware, the government has been actively considering options for reform of our public housing system. This process has been conducted openly and very publicly and has not been without its passion and its controversy.

Housing is about much more than a roof, four walls, a bed and a stove. It is about home. It is about community.

That makes the delivery of public housing a particular challenge, but also an opportunity for true community building.

I hope that the process the government sets in train today will see some of those challenges met, those opportunities fulfilled.

I am pleased to announce a number of initiatives that will take effect immediately, as well as some options that are being worked through.

Efficiencies of $10 million a year will be achieved in operational and management costs.

Of these savings, $18 million will be directed over the next three years towards the capital program. The budget provides an additional $12 million over the next three years in capital funding. Together, these measures will give the government $30 million over three years to reconfigure housing stock to better reflect the needs of tenants.

As a matter of some priority, the government will also actively explore the option of selling 500 public housing dwellings, with the proceeds to be reinvested in stock that better matches demand and need.

In other words, we are saving, to spend.

We are investing, to save.

Available public housing will in future be better directed to those most in need, in accordance with the requirements of the commonwealth-state housing agreement.

The eligibility criteria for public housing will be tightened to 60 per cent of Australian average weekly earnings for singles, and 75 per cent of Australian average weekly earnings for couples. Of course, discretion will still apply so that individuals or families in particular need or at particular risk will be accommodated more swiftly.

Human and community services

Mr Speaker, a community's worth can be measured by the value it places on its most vulnerable, its most marginalised members.

It can be judged by how well it secures their interests against the interests of the majority, how safe it keeps them from abuse, how well it enables them to live a full and engaged life.

In any society there are few groups more vulnerable than children. And there are few more at risk of neglect or invisibility than people with disabilities.

Labor has invested exceptionally heavily over the past few years in child protection and disability services. We had to, in order to redress neglect so serious it could not be ignored.

Since coming to government, we have increased expenditure on disability services at an average rate of around 16 per cent a year. Operational expenditure on child protection has increased by an average of around 19 per cent a year.

Over that time we have addressed and accounted for historic under-resourcing of services to some of the most vulnerable individuals in our community.

Such extraordinary rates of growth in investment obviously could not persist indefinitely. But investment is still needed, and now we have the opportunity to put down the broad brush and start on the detail.

The focus in this budget is on integrated service delivery, particularly for those with multiple needs.

An intensive services unit will be established to reduce duplication and better integrate human services delivery. For complex cases, a streamlined case management system will

be established so that a full range of services can be delivered under a single case management plan.

Mr Speaker, the community sector has always, and will always, play an important role in delivering vital services to people in need. Theirs is a critical partnership with government. Without the community sector, the impost on government of providing the full range of services, to such quality, would be crippling.

But just as we expect efficiency from our own agencies, there is scope for greater efficiency and effectiveness in our dealings with the community sector.

The government believes that the administrative burden on community sector organisations can be reduced through the establishment of a single interface area in the department of community services. This budget provides new funding of $300,000 for improving management and contractual arrangements with the sector. A further $100,000 a year is being provided for the establishment and maintenance of a grants portal, which will also be heavily used by the community sector.

Community safety

Mr Speaker, we are fortunate to live in a safe city, with safe streets, safe suburbs, safe homes.

This budget continues Labor's commitment to community safety, providing funding for an additional 60 police officers. This investment will bring the number of additional police funded by this government to 120 by the end of 2008-09, giving ACT Policing greater flexibility and greater visibility and allowing them to respond better to calls by Canberra residents.

A number of other safety and security measures will also be funded, including:

- the installation of a number of extra CCTV cameras at critical transport points and sites of mass congregation; and

- the installation of CCTV cameras in ACTION buses.

Our massive investment in bushfire preparedness continues in this budget, with more than $5 million to be spent over the next four years reducing the build-up of fuel levels.

A timely boost of more than $2 million over four years has been given to the Director of Public Prosecutions for extra staff, and a further $1 million over four years will increase the capacity of the Government Solicitor and the Magistrates Court to handle the growing number of child protection cases.

Capital Works

I turn now to capital works.

This budget makes a substantial investment in building the territory's assets, with a new

works program totalling $272.2 million bringing benefits to Canberrans of all ages, and all interests.

There are the big-ticket items—the $45 million West Belconnen School, the $21 million primary school in East Gungahlin and $20 million for road repairs.

There's the $17.3 million new emergency services headquarters at Fairbairn.

Then there are the smaller projects, the ones that secure our environment, ensure our safety, improve our amenity.

Significant projects include:

- $800,000 for a neighbourhood oval at Harrison;
- the creation of a predator-free sanctuary at Mulligans Flat reserve;
- an upgrade of the Canberra Theatre, to improve disabled access;
- the upgrading and refurbishment of government office assets;
- a temporary additional car park at the Canberra Hospital;
- $3.9 million for the upgrade of fire trails;
- $1.4 million for a high-rise emergency vehicle; and
- $2.4 million for a new waste disposal cell at Mugga tip.

And, as in past years, we are conscious of the need to maintain existing assets and preserve the amenity of infrastructure. Funding of $32 million has been set aside for capital upgrades.

Revenue

Mr Speaker, living beyond our means implies not just that we have spent too much, but that we have earned too little.

Yes, our expenditure on tourism has been 111 per cent higher than the national average. Yes, our expenditure on health is 13 per cent higher than the national average and our inpatient costs 22 per cent higher.

But our revenue-earning capacity has been correspondingly low.

We are not, it must be said, a high-taxing jurisdiction.

Figures from the ABS in March this year show that combined state and local taxation in the ACT is 11 per cent lower than the average of all the states and territories.

And over the coming years, my government will abolish several business taxes. Already, a number of local taxes have been abolished in fulfilment of the intergovernmental agreement. In coming years—starting as early as 1 July this year—a number more are to be abolished.

Under a schedule agreed to by the federal Treasurer, the territory will eliminate taxes that will see my government forgo approximately $21 million across the budget years—rising to more than $14 million a year, once the final taxes are abolished in 2010.

From 1 July, non real estate business conveyances will be abolished—the legislation has already passed this Assembly. Stamp duty on credit arrangements, instalment purchase agreements and rental arrangements will be abolished by next July. Stamp duty on leases will go by 1 July 2009. Stamp duty on non-quotable market securities will go by July 2010.

But such reforms as these make it all the more necessary to look afresh at revenue.

Mr Speaker, the closing of the fiscal gap between expenditure and revenue starts now.

This budget introduces a range of revenue measures that will enable governments now, next year and into the future, to continue to provide a higher-than-average level of services to the people of Canberra, but to do so without mortgaging the future.

From now, the fees and levies we impose must more accurately reflect the true cost of providing services.

From now, Canberrans will be encouraged to understand the connection between the money they contribute to government, and what they get back.

Labor has made an extraordinary investment in emergency services over recent years, with an increase in annual expenditure of 46 per cent on funding of emergency services since 2001-02. We had little choice in the matter. Nature, in her most disastrous form, forced our hand. But the investment—the continuing investment—costs the community dearly.

That is why, consistent with every other jurisdiction except the Northern Territory, a fire and emergency services levy will be introduced, to be imposed through the rating system. This levy will raise $20 million a year.

The existing ambulance levy will be increased from 1 January 2007, raising $3.3 million.

Mr Speaker, at the municipal level, currently there is an imbalance between revenues and expenditures. General rates in 2006-07 will increase by six per cent and will be indexed at the wage price index, rather than CPI.

This measure will raise extra revenue of $10.4 million in 2006-07, $5 million a year of which will be reinvested in increased maintenance. This will be increased to $10 million per annum in 2007-08.

Utilities receive considerable benefit from the territory, through the occupation of government land for infrastructure such as cables and pipes. The territory incurs the cost of maintaining these land corridors and easements. To reflect that cost and to compensate the territory, a utility infrastructure charge will be introduced. Net revenue from this measure is estimated at $15 million a year.

Mr Speaker, the government has set itself the target of reducing per capita potable water use by 12 per cent by 2013 and 25 per cent by 2025. As a revenue measure and also a device for moderating demand, a water fee of 30c per kilolitre will be incorporated into the water abstraction charge.

As well as providing the government with a return on a valuable resource, this initiative will help us manage the demand for water. It will raise revenue of around $14 million a year.

As always, those eligible for rebates and concessions, such as pensioners, schools and churches, will continue to receive those rebates.

Budget reform

Mr Speaker, significant budget reform always involves implementation challenges—there will inevitably be unanticipated complications and difficulties along the way. The government recognises this, and it is committed to dealing with these challenges as they arise.

Of course, today, Labor is doing much more than simply changing the way government is structured. We are also committing ourselves to change the way the government conducts its business. We want to bring greater rigor to our processes, and greater appreciation of the full financial ramifications to all of our decision making.

The budget process to date has been effective when it comes to annual resource allocation. As members would notice from this budget, however, the horizons are being pushed out, to a point well beyond a single electoral cycle.

The budget process will become the central strategic policy-setting mechanism for the government.

Wherever practicable, funding commitments for new initiatives and programs will be for a limited time. Their continuation beyond that time will be subject to an evaluation and post-implementation review.

The government will require its agencies to identify options for efficiency or service offsets for every spending proposal, based on long-term strategies to contain costs.

Cash management across the government agencies will be reformed to strengthen transparency and accountability, and to ensure that cash balances are used more effectively.

Conclusion

Mr Speaker, today Labor has made some tough decisions.

They were all the harder, all the more stressful for my ministerial colleagues and for me, because there was no short-term political imperative behind them.

We weren't driven to this day. We chose it. We planned for it. We prepared for it. And, I have no doubt, we will now endure the political pain of it.

But we have done the right and courageous thing here.

Good governments, Mr Speaker, look beyond the electoral cycle.

They look ahead, to the world that will be inhabited by their children and their grandchildren.

I am pleased to present this, my first budget as Treasurer, in the certain knowledge that this is a budget for today, but also for the future.

Mr Speaker, I commend the budget to the Assembly.

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

Rates Amendment Bill 2006

Mr Stanhope presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (3.48): I move:

> That this bill be agreed to in principle.

I seek leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 1794.

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

Administrative (Miscellaneous Amendments) Bill 2006

Mr Stanhope presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (3.49): I move:

> That this bill be agreed to in principle.

The Administrative (Miscellaneous Amendments) Bill 2006 in great part reflects the government's response to the strategic and functional review and the budget measures which I have just announced. It is part of the government's budget strategy for the 2006-07 financial year and beyond.

The bill repeals a number of acts that establish independent statutory bodies with specialist functions and makes necessary amendments as a consequence of those repeals. It is intended that the repealed provisions and the necessary consequential amendments will come into operation on 1 July 2006.

Some of the provisions in this bill are to ensure that the objective of integration into mainstream government departments of the specialist functions previously carried out by the statutory bodies can go ahead smoothly. Special commencement provisions have been included in the bill to allow some of the facilitative provisions to come into operation before 1 July 2006, as they are designed to assist in making the transition process as smooth as possible.

Mr Speaker, amongst the government's highest priorities are: to strengthen the economy of the territory; to continue to deliver high-quality services to the community; to protect and develop our city and surrounding environment; and, most importantly, to build and safeguard a better future for the generations to come. To ensure we can meet these priorities, our focus is to continue to implement our plans and commitments while seeking greater efficiencies across the full spectrum of service delivery.

Mr Speaker, my government is the first since self-government to undertake such a comprehensive analysis of government services and structures. The government commissioned the strategic and functional review to scrutinise the outlook for the ACT budget, to benchmark government expenditure against other jurisdictions and to identify options to improve efficiency through more effective government structures.

One of the areas where we can obtain efficiencies is in abolishing statutory bodies that have been carrying out functions on behalf of the territory and reintegrating those functions into mainstream government departments. This will reduce overheads but retain important core functions. Existing high-quality services can continue to be provided without the expense of duplicated administrative structures.

Mr Speaker, this bill repeals the ACTION Authority Act, the Australian Capital Tourism Corporation Act, the Health Promotion Act, the Small Business Commissioner Act and the Stadiums Authority Act.

The functions of the ACTION Authority will be taken over by the Department of Territory and Municipal Services, which will run bus services for the territory. The services will continue to be provided under the name "ACTION". In providing these services the department will be required to meet the service standards set for commercial bus services. However, ACTION services will no longer be a regulated industry under the Independent Competition and Regulatory Commission Act.

The functions of the Australian Capital Tourism Corporation and the Stadiums Authority also will be absorbed by the Department of Territory and Municipal Services to give savings though efficiencies.

Health-related grants previously administered by the Health Promotion Authority will now be administered by ACT Health, again so the territory can gain from efficiencies of reintegrating functions and staff. Importantly, provisions in the bill ensure that existing grants continue, as liabilities under contracts and agreements can be transferred to the territory.

Abolition of the independent statutory office of Small Business Commissioner will allow the role to be taken up by a public service position within my department. This dedicated position will allow the services to continue to be provided while at the same time realising the savings from overheads for a separate office.

As a small jurisdiction with a limited revenue base, the ACT is not able to afford to maintain a plethora of independent offices. Consolidation will save costs by reducing overheads and streamlining service provision. As part of this consolidation process this bill provides for emergency services to be administered through the Department of Justice and Community Safety. The bill amends the Emergencies Act to abolish the Emergency Services Authority and to make the Emergency Services Commissioner a public service position within the department.

While administration and infrastructure will be provided through the department, thus delivering savings, operational matters will remain in the hands of the Emergency Services Commissioner. The commissioner will retain responsibility for the running of the four emergency services—the ambulance service, the fire brigade, the rural fire service and the state emergency service—in conjunction with the chief officers of those services. Nothing in this bill will change the way that emergency services are provided. The changes will simply relieve the commissioner of the administrative burden of a separate administrative structure and allow for concentration on operational matters.

Changes in the bill to the Emergency Services Act provide for the Bushfire Council to provide advice to the responsible minister and to give advice to the commissioner if asked. No substantive policy changes are made to the Emergencies Act by the bill. It simply makes the adjustments necessary to abolish the independent statutory authority.

The bill contains amendments to the Financial Management Act to facilitate the transfer of assets, liabilities and functions from abolished statutory bodies back to the territory. The Financial Management Act already contains a range of provisions about governance of statutory entities. The new provisions make special provision for situations where a statutory entity is to be abolished or is to have functions transferred.

Since there could, on the face of it, be a conflict between the statutory obligations that a statutory appointee such as a board member has to promote the interests of the entity concerned and the obligations that that person has to carry out the government's policy decisions, provisions in this bill provide a clear statutory authority for assisting in a transition process. A person who provides information or gives assistance in the transfer of assets and liabilities from a statutory entity is not in breach of confidence or professional ethics and does not incur any civil liability.

In addition, there are provisions in this bill to allow the transfer of assets, liabilities and contractual obligations by way of ministerial declaration. In order to protect people who have been dealing with the statutory bodies prior to their abolition, provisions in the bill ensure that the territory becomes the successor in law of each statutory body and that legal proceedings already under way can be continued with the territory standing in the place of the abolished entity. Ultimately, everything belonging to the abolished statutory bodies will belong to the territory through the operation of the provisions in this bill.

There are provisions in this bill to abolish the Planning and Land Council, consistent with the policy adopted by the government of review of all advisory councils and committees.

Amendments to integrate the reporting of the Occupational Health and Safety Commissioner under the Financial Management Act into the umbrella reports of the Department of Justice and Community Safety are included in this bill. The changes are part of the policy of consolidation of functions, designed to achieve savings through increased efficiency and reduction of duplication.

The bill is designed to support and implement the decisions that the government has made in this year's budget to consolidate and streamline the delivery of government services so as to give the Canberra community the best possible value for its money. I commend the bill to the Assembly.

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

Education Amendment Bill 2006 (No 2)

Mr Barr presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (3.56): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill amends the Education Act 2004 to expand on the requirement in that act for consultation to take place before schools are closed or amalgamated. This requirement to consult in itself was a landmark change instigated by the Stanhope

government to engage the community in decisions affecting education in the ACT. The Education Act 2004 currently states:

> Before closing or amalgamating a government school, the Minister must—
>
> (a) have regard to the educational, financial and social impact on students at the school, the students' families and the general school community; and
>
> (b) ensure that school communities affected by the closure or amalgamation have been adequately consulted during a period of at least six months.

Mr Speaker, this bill inserts two new subsections immediately following these paragraphs to expand on and clarify what is meant by adequate consultation. The changes in this bill will require the minister, before a decision is made about a proposal to close or amalgamate government schools, to tell the school communities about the proposal and listen to, and consider, their views.

The bill then goes on to describe the principles which must underlie the consultation process. These can be summarised as: a focus on access to, and provision of, quality educational opportunities; openness and transparency; effective community engagement leading to sustainable decisions; provision of relevant information in a timely and accessible way; opportunities for feedback; and seeking the views of school boards likely to be affected by the proposal. The enshrining in legislation of these principles is a commitment by the government to meaningful consultation on the key issue of the future of school education in the ACT.

Since coming to office in 2001, the Stanhope government has set an ambitious program of reform in education including: lowering class sizes in the early years of primary school; committing to construct new state-of-the-art schools, including the award winning Amaroo school; renewing our school curriculum to ensure rigour and relevance; acknowledging the importance of the early years and increasing the hours of preschool services; and taking a close look at how we might further improve and supplement our excellent senior secondary college system, for the first time in 30 years.

Mr Speaker, the Stanhope government is proud of its achievement in education, but there is more to be done. We need to ensure our school system is equipped to meet the challenges involved in providing the latest teaching and learning technology for all students and is supported by excellent teachers and high-quality facilities.

In deciding how best to meet these demands now and into the future, the government recognises that it needs to engage the community. I have already made clear my view that surplus capacity in the government school sector is robbing our children of the best educational opportunities, at a time when education is more than ever a key to a fulfilling future economically, socially and culturally. How we as a community address that issue is something that the government will not and cannot decide alone; we all have a big stake in it and we need to get it right.

Mr Speaker, through this amendment the government is building on the valuable experience it gained from its consultation on the 2005 proposal to close the former Ginninderra district high school and replace it with a new state-of-the-art preschool to year 10 school in West Belconnen. It should be noted that, as a result of the consultation

undertaken, the final proposal differed from the original one on the vital issue of school size.

Successful learning at school is the foundation of lifelong learning, something which the students of today and the future will need to engage in if they are to operate effectively in the new workplace environment. I want every student attending one of the ACT's public schools to be well set on that pathway.

The principles of consultation set out in this amendment will make clear to the Canberra community the government's commitment to engaging in meaningful debate about the shape of our school system and the nature of educational opportunity it provides to our children. We owe it to every child to recognise that the ACT cannot function as it did 30 years ago. This is not the 1970s. We need to take up the challenge of thinking realistically about how to deliver quality educational outcomes across the territory. This is more than just bean counting. It is about responding to a changing world and not allowing ourselves to be too busy or too distracted to do the necessary work to secure the future of our public education system.

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

Executive contracts
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Contract variations:
> Alan Galbraith, dated 22 March 2006.
> Lincoln Hawkins, dated 26 April 2006.
> Marion Wands, dated 18 and 26 April 2006.
> Russell Watkinson, dated 18 April 2006.
> Stephen Finn, dated 9 May 2006.
> Stephen Ryan, dated 24 April 2006.
>
> Long-term contracts:
> Bernard Sheville, dated 1 May 2006.
> Marion Wands, dated 27 February 2006.
> Sue Dever, dated 22 February 2006.
> Susanna Kiemann, dated 22 February 2006.
> Tracy Hicks, dated 23 March 2006.
>
> Short-term contracts:
> Helen Pappas, dated 19 April 2006.
> Ian Cox, dated 22 April 2006.
> Ian Waters, dated 15 and 19 May 2006.
> John Douglas Meyer.
> Moira Crowhurst, dated 19 and 21 December 2005.
> Peter Ottesen, dated 4 May 2006.

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

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts and contract variations. Today, I have presented five long-term contracts, six short-term contracts and six contract variations. The details will be circulated to members.

Paper

Mr Stanhope presented the following paper:

> Territory-owned Corporations Act, pursuant to subsection 9 (2)—ACTEW Corporation Limited—Amendment to subsidiary company constitutions—Summary of amendments.

Territory-owned Corporations Act—voting shareholders
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following paper:

> Territory-owned Corporations Act, pursuant to subsection 9 (2)—Notification of voting shareholders, dated 29 May 2006.

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

Leave granted.

MR STANHOPE: Mr Speaker, in accordance with section 9 (2) (a) of the Territory-owned Corporations Act 1990, I hereby notify the Assembly that changes have been made to the shareholding arrangements for Actew Corporation Ltd, ACTTAB Ltd and Rhodium Asset Solutions Ltd. I have therefore tabled this document for the information of members. It provides that the shareholding arrangements have been changed as a result of the resignation of Mr Quinlan and the appointment of Ms Gallagher as Deputy Chief Minister and a shareholder of Actew, ACTTAB and Rhodium.

Papers

Mr Stanhope presented the following papers:

> **Statements of Intent—2006-2007**
>
> Financial Management Act, pursuant to subsection 62 (1)—

ACT Cleaning Industry Long Service Leave Authority, dated 30 May and 1 June 2006.
ACT Construction Industry Long Service Leave Authority, dated 30 May and 1 June 2006.
ACT Gambling and Racing Commission, dated 16 May and 1 June 2006.
ACT Insurance Authority, dated 24 and 31 May 2006.
ACT Public Cemeteries Authority, dated 26 May and 1 June 2006.
Building and Construction Industry Training Fund Authority, dated 29 May and 1 June 2006.
Canberra Institute of Technology, dated 1 June 2006.
Cultural Facilities Corporation, dated 30 May and 1 June 2006.
Exhibition Park Corporation, dated 25 May and 1 June 2006.
Independent Competition and Regulatory Commission, dated 31 May and 1 June 2006.
Land Development Agency, dated 31 May 2006.
Legal Aid Commission, dated 1 June 2006.
Public Trustee for the ACT, dated 1 June 2006.

Financial Management Act—instruments
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, and Minister for the Arts): For the information of members, I present the following papers:

Financial Management Act, pursuant to section 18A—

Authorisation of Expenditure from the Treasurer's Advance to ACT Health (2), including statements of reasons, dated 18 May 2006.
Authorisation of Expenditure from the Treasurer's Advance to the ACT Emergency Services Authority, including a statement of reasons, dated 18 May 2006.
Authorisation of Expenditure from the Treasurer's Advance to the Department of Economic Development, including a statement of reasons, dated 18 May 2006.
Authorisation of Expenditure from the Treasurer's Advance to the Department of Education and Training (2), including statements of reasons, dated 18 May 2006.
Authorisation of Expenditure from the Treasurer's Advance to the Department of Urban Services, including a statement of reasons, dated 18 May 2006.
Authorisation of Expenditure from the Treasurer's Advance to the Legislative Assembly, including a statement of reasons, dated 18 May 2006.

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

Leave granted.

MR STANHOPE: Mr Speaker, as required by the Financial Management Act, I have tabled copies of authorisations in relation to the Treasurer's Advance. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's Advance. Section 18A of the act requires that, within three sitting days after the date the authorisation was given, the Treasurer present to the Legislative Assembly a copy of the authorisation, a statement of the reasons and a summary of the total expenditure authorised. The package includes eight instruments signed under section 18.

Mr Speaker, a Treasurer's Advance has been provided to ACT Health for both a new linear accelerator and the recently certified medical officers certified agreement. On 7 March 2006, one of the two linear accelerator machines at the Canberra Hospital broke down. The replacement cost for the linear accelerator is $2.8 million. ACT Health has $1.3 million available in the health program grant funding pool to contribute towards the replacement. I have provided the remaining $1.5 million from the Treasurer's Advance. The new medical officers certified agreement was certified on 23 December 2005 and $2.65 million is being provided to implement the new agreement.

A Treasurer's Advance of $591,000 was provided to the Emergency Services Authority to fund a nine per cent wage increase following an Australian Industrial Relations Commission determination relating to the firefighters work value case.

The sum of $701,000 has been provided to the Department of Economic Development to increase the amount payable from the racing development fund to ACT gaming and racing clubs. The government has a legislative responsibility to invest 4.5 per cent of the annual turnover of ACTTAB back into the industry through the RDF. The actual turnover for ACTTAB for 2005-06 has exceeded the budget forecast and has subsequently increased the amount payable to the RDF.

A Treasurer's Advance of $130,000 has been provided to the Legislative Assembly Secretariat to give effect to a remuneration tribunal decision of April 2005. The determination increased the rates of salary payable to members of the Legislative Assembly by 13.8 per cent, effective from 1 July. The impact of the increase in salaries expense was not factored into the 2005-06 budget due to the timing of the determination.

In response to rising fuel costs, the Department of Urban Services has been provided with a Treasurer's Advance of $1.325 million to increase the diesel fuel supplementation for the ACTION Authority from $1 per litre, as factored into the 2005-06 budget, to $1.14 per litre.

A Treasurer's Advance of $307,000 has been provided to the Department of Education and Training to allow for the on-passing of Australian government funding received on 30 June 2005. The usual practice is to increase the relevant appropriation under section 17 of the Financial Management Act 1996. However, given the timing of the receipt of funding, there was insufficient time for the completion of such an instrument during 2004-05.

Finally, for the Department of Education and Training, a Treasurer's Advance of $107,000 has been allocated to provide payments for per capita grants to those non-government schools whose student enrolments have exceeded the original 2005-06 projection by at least 15 per cent. Mr Speaker, I commend these papers to the Assembly.

Planning and Environment—Standing Committee
Report 17—government response

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (4.09): For the information of members, I present the following paper:

> Planning and Environment—Standing Committee—Report 17—*Wildlife Corridors and DV231—East Gungahlin Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve*—Government response.

I move:

> That the Assembly takes note of the paper.

Mr Speaker, today I have tabled the government's response to the Standing Committee on Planning and Environment's report 17 on draft variation 231 to the territory plan and I will shortly be tabling the final variation. The variation proposes to provide a planning framework for future development of the suburbs of Kenny, Throsby and part of Harrison. It also formally establishes the 750-hectare Goorooyarroo nature reserve through a public land overlay.

The creation of Goorooyarroo nature reserve has seen the reduction of approximately 300 hectares of urban residential land. This will create a significant ecological resource for the ACT community by protecting an area of over 750 hectares in north-east Gungahlin. This area is mainly comprised of yellow box/red gum grassy woodland, including the existing Mulligans Flat nature reserve. Protecting this area from urban development will, however, come at an opportunity cost to the territory of approximately $300 million in future revenue.

The variation was released for public comment on 23 July 2004. It attracted four written comments by the close of public consultation on 3 September 2004. A number of minor revisions were made to the variation as a result of the consultation process. A preliminary assessment, PA, also supported the draft variation. The evaluation of the PA concluded that the PA had adequately addressed the potential impacts on the environment and, as such, no further environmental impact assessment was required.

In report 17 of November last year, the Standing Committee on Planning and Environment recommended that the variation proceed subject to 11 recommendations. I wish to outline the government's response to the committee's report.

The committee's second recommendation was that the boundaries of Throsby be reviewed to reduce the impact of residential development on the Goorooyarroo and Mulligans Flat nature reserves. The boundaries of the nature reserves were established following extensive consultation between the ACT Planning and Land Authority and Environment ACT. The boundaries reflect the ecological values of the area based on the ACT lowland conservation woodland strategy, also known as action plan 27, and the land management requirements of the Canberra nature park. As Throsby is not scheduled to be developed until at least 2016, it is not necessary to review the boundaries at this time. The final variation has, however, been amended to include a specific policy that requires additional studies to be undertaken closer to land release to confirm boundaries.

The committee's third recommendation was that earlier programming of new suburbs for the Molonglo Valley be considered. The option of earlier programming for the new suburbs of Molonglo is already being explored, following the completion of a range of studies over the past 12 months to establish the capability of this area to be developed. It

will, however, still require an amendment to the national capital plan, a variation to the territory plan and an environmental impact assessment. Programming will also need to consider sequencing requirements, infrastructure provision and capital works.

The committee's fourth recommendation was that the ACT government explore the option of maintaining the 25 hectares of yellow box/red gum and red stringy bark woodland in New South Wales adjacent to Goorooyarroo nature reserve. The government supports this and the ACT Planning and Land Authority and Environment ACT are consulting with the commonwealth, as the landowner, regarding the potential for securing the 25 hectares of woodland for conservation management purposes.

The government also supports the committee's fifth recommendation about future draft variation documentation including information on ecological connectivity and regional targets for the protection of species, where appropriate. The committee's sixth recommendation for cat containment to be mandatory in the new suburbs of Kenny and Throsby will be investigated further as part of the detailed planning for the suburbs. Any future extension of cat containment in Throsby will require further amendments to the Domestic Animal Services Act 2003.

The committee's seventh recommendation was that current policy documents on environmental management be better streamlined and integrated into planning and environment legislation. The planning legislation requires that statutory policy documents, including action plans for the protection of endangered ecological communities and species, be taken into consideration. The government's planning system reform project will also give further statutory recognition and clarification to impact assessment processes undertaken at the structure planning stage.

Mr Speaker, the eighth recommendation of the committee was that the ACT should introduce a state of the parks reporting system to identify management effectiveness and progress towards achieving protected area objectives. This recommendation is outside the scope of the variation process. However, it should be noted that the territory's state of the environment report already addresses nature conservation and biodiversity.

The ninth recommendation of the committee was for committees involved in natural resource management on a local and regional scale to be reviewed and better integrated as a flow-on reform from the regional management framework. The government, through Environment ACT, advises that these committees are being reviewed and a proposal will be put to the government in the near future. A memorandum of understanding has been developed with the Murrumbidgee catchment authority addressing cooperative cross-border natural resource management in the region. This, again, is not within the scope of this variation.

The committee in its tenth recommendation advises that remnant vegetation with high conservation value on rural leases be better managed as wildlife corridors in land management agreements. This can form the basis for funding applications under the commonwealth's Natural Heritage Trust and national action plan for salinity and water quality. The ACT landkeepers program funded by the ACT government and the Natural Heritage Trust and delivered by Greening Australia gives priority to projects that reinforce the connectivity of wildlife corridors and native vegetation. The management

of high conservation areas on rural leases is already addressed through land management agreements. Again, this recommendation is outside the scope of the variation process.

The committee's final recommendation was that the shaping our territory working group assess the feasibility of incorporating key elements of the Southern Tablelands ecosystem park proposal in the Canberra international arboretum and gardens. Representatives of the Shaping Our Territory Implementation Group have since met with representatives of the Southern Tablelands ecosystem park initiative to explore the ecosystem park proposal and its suitability for the Canberra international arboretum and gardens site. Again, however, I should note that this approach and this issue are not within the scope of the variation process.

The recommended final variation was revised to permit the establishment of the new youth detention centre to the south-west of the suburb of Kenny. This has been achieved by revising the boundary between residential and broadacre land use policies. The proposal for a correctional facility triggered a mandatory preliminary assessment. The authority evaluated the PA and concluded that no further impact assessment is required. The PA will not be effective until the variation is finalised.

Mr Speaker, I commend the government's response to the committee's report.

Debate (on motion by **Dr Foskey**) adjourned to the next sitting.

Papers

Mr Corbell presented the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 231 to the Territory Plan—East Gungahlin—Suburbs of Kenny, Throsby, part Harrison and Goorooyarroo Nature Reserve, dated 2 June 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act—Agents Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-18 (LR, 15 May 2006).

Building Act—Building Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-15 (LR, 8 May 2006).

Housing Assistance Act—Housing Assistance Public Rental Housing Assistance Program 2006 (No. 1)—Disallowable Instrument DI2006-90 (LR, 6 June 2006).

Liquor Act—Liquor Licensing Board Appointment 2006—Disallowable Instrument DI2006-75 (LR, 15 May 2006).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No. 5)—Disallowable Instrument DI2006-74 (LR, 11 May 2006).

Road Transport (Third-Party Insurance) Amendment Regulation 2006 (No. 1)—Subordinate Law SL2006-17 (LR, 11 May 2006).

Tree Protection Act—Tree Protection Regulation 2006—Subordinate Law SL2006-16 (LR, 9 May 2006).

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 4.18 pm.

Incorporated document

Attachment 1
Document incorporated by the Chief Minister

Mr Speaker, the *Rates Amendment Bill 2006* (the Bill) amends the *Rates Act 2004* (the Rates Act) to allow for the introduction of a Fire and Emergency Services Levy.

The 2006-07 ACT Budget introduces a Fire and Emergency Service Levy to ensure that the costs associated with the provision of fire and emergency services can be better met by the Territory. Significant investment in upgrading and improving emergency services has occurred over recent years, driven by local events such as the Canberra bushfires of 2003 and national priorities such as anti-terrorism measures. The cost of emergency services has increased from $45.9 million in 2001-02 to about $75 million in 2005-06, an increase of about $29.1 million or 63%.

Mr Speaker, this Bill provides the legislative framework for the imposition of the Fire and Emergency Services Levy, which is expected to raise $20 million toward the provision of fire and emergency services in 2006-07.

The Fire and Emergency Services Levy will be imposed on all rateable residential and commercial properties from 1 July 2006. For residential properties a fixed charge of $84 per property will apply. The Bill includes a pensioner rebate of 50 per cent of the fixed charge for all pensioners who are eligible for a rebate of rates under the Rates Act. For rateable commercial properties, the levy will be imposed as a percentage of the average unimproved value of the property. By linking the levy to rateable land, the existing exemptions in the Rates Act that apply to groups such as charitable organisations, hospitals and schools will also apply to the levy.

Mr Speaker, the levy will be billed as part of rates notices, with access to all of the payment options that currently exist for rates. This means that the levy can be paid on, or before, the due date with the existing three per cent discount, or by quarterly instalments. In addition, an eligible property owner who is entitled to defer their rates liability, will also be entitled to defer their liability for the levy.

The Bill also ensures that the levy is a charge upon the land and therefore is recoverable by the Commissioner for ACT Revenue in the same way as rates. As with rates, interest will be imposed on overdue amounts for each calendar month, or part thereof, that the amount remains unpaid.

As this legislation commences on 1 July 2006, it is necessary to bring forward the debate on the Bill to Thursday, 8 June 2006. The Government acknowledges that this provides limited time for Members to get across the detail contained in the Bill, but asks Members for their cooperation to ensure that this important revenue measure, which will contribute to the provision of fire and emergency services in the ACT, can commence on 1 July 2006.

Mr Speaker, I commend the Bill to the Assembly.

Schedule of amendments

Schedule 1

Legal Profession Bill 2006

Amendments moved by the Attorney-General

1
Clause 21 (3)
Page 19, line 5—

omit

or admissions board

2
Clause 21 (4)
Page 19, line 11—

omit

subsection (4)

substitute

subsection (3)

3
Clause 27 (5)
Page 23, line 19—

omit

to the admissions board the name, date of birth and

substitute

to the relevant council the name and

4
Clause 428 (2), note 2
Page 328, line 10—

omit

5
Proposed new clauses 435A, 435B, 435C and 435D
Page 336, line 16—

insert

435A Referral of questions of law to Supreme Court

(1) The disciplinary tribunal may refer a question of law arising in a proceeding before the disciplinary tribunal to the Supreme Court.

(2) The disciplinary tribunal may act under subsection (1) on application by a party to the proceeding or on its own initiative.

435B Appeals from disciplinary tribunal to Supreme Court

A party to a proceeding before the disciplinary tribunal may appeal to

the Supreme Court against a decision of the disciplinary tribunal in the proceeding.

435C Contempt of disciplinary tribunal

A person commits an offence if the person does something in the face, or within the hearing, of the disciplinary tribunal that would be contempt of court if the disciplinary tribunal were a court of record.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

435D Application of Criminal Code, ch 7

A proceeding before the disciplinary tribunal is a legal proceeding for the Criminal Code, chapter 7 (Administration of justice offences).

Note That chapter includes offences (eg perjury, falsifying evidence, failing to attend and refusing to be sworn) applying in relation to disciplinary tribunal proceedings.

6
Schedule 3, clause 3.1, definition of *approved indemnity fund*
Page 606, line 5—

omit

7
Schedule 3, clause 3.2 (1)
Page 606, line 21—

omit

an approved indemnity fund

substitute

the fidelity fund

8
Schedule 3, clause 3.2 (6)
Page 607, line 19—

omit

an approved indemnity fund

substitute

the fidelity fund

9
Schedule 3, clause 3.2 (7) (b)
Page 607, line 25—

omit

an approved indemnity fund

substitute

the fidelity fund

10
Schedule 3, clause 3.2 (8)
Page 607, line 27—

omit

an approved indemnity fund

substitute

the fidelity fund

11
Schedule 3, clause 3.2 (9)
Page 608, line 5—

omit

an approved indemnity fund

substitute

the fidelity fund

12
Schedule 3, clause 3.2 (11)
Page 608, line 11—

omit

an approved indemnity fund

substitute

the fidelity fund

13
Schedule 3, clause 3.3 (1) (a)
Page 608, line 20—

omit

the indemnity fund

substitute

the fidelity fund

14
Schedule 3, clause 3.3 (1) (b)
Page 608, line 23—

omit

the indemnity fund

substitute

the fidelity fund