



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

**20 FEBRUARY 2007**

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**Tuesday, 20 February 2007**

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**Tuesday, 20 February 2007**

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

## **Petitions**

*The following petitions were lodged for presentation:*

### **Griffith library**

*By Mr Hargreaves, from 84 residents:*

**To the Honourable the Speaker and Members of the Legislative Assembly of the Australian Capital Territory.**

The Petition of the community of Red Hill Primary School

Brings to the attention of the Assembly our significant concern over the proposed closure of the Griffith, Library. The Griffith Library is an important resource for our school students and members of the school community. The Griffith Library provides access to books for research and pleasure and access to internet services for those members of our community who do not have such services at home. The Griffith Library provides services to our broad and diverse community which includes people of all ages across a broad range of socio-economic backgrounds. The Library is ideally situated to provide services for students from our school as well as a number of leading public and private schools in the area. Access to alternate library resources would be very difficult for the majority of users and without the Griffith Library many students and members of the community would be denied access to valuable educational and social resources.

The undersigned petitioners therefore ask the Legislative Assembly to reconsider its decision to close the Griffith Library.

### **Planning—Norton Street, Evatt**

*By Ms Porter, from 143 residents:*

**To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

We, the undersigned residents of the Australian Capital Territory, draw to the attention of the Assembly that: the proposed development of land at 19 and 21 Norton Street Evatt is of concern to nearby residents because the proposal does not fit in with the character of the street; is not safe due to the movement of a much increased traffic load; lacks visitor parking; will result in the removal of significant trees; and has inadequate arrangements for waste disposal.

Your petitioners therefore request the Assembly to: immediately stop the proposed development at 19 and 21 Norton Street Evatt.

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

## **Legal Affairs—Standing Committee Scrutiny report 37**

**MR SESELJA** (Molonglo): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—scrutiny report 37, dated 12 February 2007, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR SESELJA:** Scrutiny report 37 contains the committee's comments on nine bills, six pieces of subordinate legislation and eight government responses. The report was circulated to members when the Assembly was not sitting.

For many years, the committee has expressed concern over the inclusion of strict liability clauses in legislation. In scrutiny report 38 of the Fifth Assembly the committee outlined in some detail its thoughts on how the issue might be approached, particularly under a bill of rights act. Of particular concern to the committee are strict liability provisions which provide for the imprisonment of individuals. The possibility of the imposition of a severe penalty such as imprisonment raises the issue of whether the derogation of the rights granted under section 22 of the Human Rights Act, including the right to a presumption of innocence, is justifiable under section 28 of that act.

Where legislation is to provide for imprisonment or other substantial penalty it is the committee's view that the case for such a provision needs to be clearly and demonstrably made in the explanatory statement. In this way, the committee, and the Assembly as a whole, can make a judgment as to whether the clause is justified. I draw this matter to the attention of the Assembly and the government. I commend the report to the Assembly.

## **Land (Planning and Environment) Legislation Amendment Bill 2007**

**Mr Corbell**, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.33): I move:

That this bill be agreed to in principle.

This bill is necessary to address issues raised in a recent decision of the ACT Supreme Court as to the validity of a regulation made under the Land (Planning and Environment) Act 1991; that is, the land act. The issues were raised in the decision of His Honour Justice Gray in his judgment of 15 December 2006 in an action brought by Capital Property Projects and others and opposed by the ACT Planning and Land Authority and others. Mr Speaker, it is important to note that the government has appealed against this decision and that the appeal is still pending. However, in the event that the Assembly passes this bill, the government will give consideration to withdrawing its appeal.

In order to understand the issues raised it is necessary to go over some background detail. Section 276 of the land act enables a person who objected to a development application to seek merit review of a decision to grant the development approval through the Administrative Appeals Tribunal. This section is also available to people who did not object to an application but had a reasonable excuse for not doing so. Merit appeals under section 276 are typically referred to as objector or third party appeals. I will refer to actions under section 276 simply as third party appeals.

Section 282 of the land act authorises the making of regulations to exempt specified development from provisions of part 6 of the land act. Section 43 and schedule 7 of the land regulation make use of section 282 to exempt development listed in schedule 7 from third party appeal. The list of exemptions in this schedule is of long standing.

The government sought to supplement this list of exemptions through an amendment regulation notified in April 2006. The government intended, through the regulation, to exempt from third party appeal all development in the Civic centre, town centres and industrial areas. Members will recall that the Assembly debated a disallowance motion on the regulation in August last year and that motion was defeated.

In its decision of 15 December last year, the Supreme Court found an element of these additional exemptions to be invalid. Specifically, the court concluded that the phrase “of a kind” in section 282 of the land act required the exemption regulation to say what kind of development is exempt. The court found that it was not sufficient in this respect for the regulation to specify the area where the exemption was to apply. Specifically, the court ruled that section 43 of the regulation, as amended in April last year, was invalid to the extent that it sought to exempt all development in industrial areas from third party appeal.

The decision of the court did not apply expressly to other exemptions of third party appeals in Civic and town centres. However, the reasons behind the decision of the Supreme Court throw doubt on the validity of these and similar exemptions. In summary, the decision has the effect of removing, or putting in doubt, the entirety of the amendment regulation of April 2006 that was intended to exempt Civic, town centres and industrial areas from third party merit appeal.

The implications of the decision go beyond the immediate case in question. The decision overturned the assumption of the government, the property sector and the broader community that the exemptions were valid. This shift introduces a level of

uncertainty to a number of development approval applications and decisions due to the unanticipated possibility of third party appeal. Such a reversal of the apparent legal position has the potential to detract from the certainty and continuity required for investor confidence in the ACT property sector and other sectors.

In summary, the bill that I have presented today aims to restore what was understood to be the legal position prior to the December decision of the Supreme Court. In so doing, the bill provides continuity in the regulatory environment for the property sector and the wider ACT community.

I would like to emphasise that the underlying need for these exemptions from third party appeal remains as compelling now as it was back in April 2006 when they were first notified. The exemptions were part of a series of measures and reforms to improve the development assessment process within Civic, town centres and industrial areas by a reduction of delay and costs and also by increasing the level of certainty in the decision making process. The intent is to facilitate development in these areas, which is of general benefit to the territory.

People who may be affected by particular development proposals are able to make submissions on individual proposals or relevant territory plan variations. The requirements for notification of some but not all development applications remain unchanged. The exemption does not affect the ability of people to take action under the Administrative Decisions (Judicial Review) Act 1989.

The exemptions were and remain in keeping with the government's planning system reform project and in particular with the track-based assessment system that contemplates different procedures and appeal rights for different situations. Public consultation prior to the introduction of these measures last year indicated strong support from the property sector in particular for these measures.

I also recall that Mr Seselja, in the disallowance debate, considered that the reforms were beneficial but noted that the regulation may need to be amended "much more in the future" in relation to the use of third party appeals in the development assessment process. At that time, I advised Mr Seselja and other members that the government's Planning and Development Bill addressed a range of issues relating to third party appeals and the assessment of development applications.

I turn briefly to some of the provisions of the bill. The bill affirms the ability of the territory to make the regulation that was found to be invalid by the Supreme Court and also similar regulations that are in doubt as a result of the reasons of the court. The main mechanism for this is in part 2, section 6 of the bill that amends section 282 of the land act. This section removes the relevant phrase "of a kind" from section 282 (1) (e) of the act and also inserts examples of the regulations that are intended to be authorised by this section. The phrase "of a kind" is also being deleted from section 282 (1) (f) of the land act. This section authorises the making of regulations to exempt specified controlled activities from the operation of one or more provisions in part 6 of the land act.

Mr Speaker, the bill has retrospective effect, with the amendments to section 282 applying not just to future regulations but also to all past regulations. This is the effect

of clause 7 of the bill. The bill also specifically validates the third party appeal exemptions that the government intended to be put in place by the April 2006 amendment regulation. In addition, the bill validates all past regulations purportedly made under sections 282 (1) (e) and (1) (f). This is the effect of clause 8 of the bill. These retrospective provisions are necessary to achieve continuity and certainty in the regulatory environment.

The proceedings relating to the December 2006 decision of the Supreme Court also raised an issue as to whether a third party is able to appeal a decision to grant a development approval under section 275 of the land act instead of section 276. In practice, section 275 is mainly used by applicants for development approval who wish to appeal a refusal or a decision to impose conditions on an approval. However, section 275 is expressed as authorising appeals not just from applicants but from all persons “whose interests are affected by a decision”. The bill therefore amends section 275.

The amendment applies to appeals against decisions to grant an approval subject to conditions. The section as amended authorises such appeals from applicants but not from others. Third parties who wish to appeal such matters may be able to do so as objectors under section 276 of the land act, subject to exemptions that may apply. This amendment is necessary to ensure that exemptions from third party appeal under section 276 cannot be bypassed by action taken under section 275. The amendment, which is also retrospective, in effect helps to clarify how these two appeal provisions work together.

Part 3 of the bill makes a number of related amendments to the regulation under the land act. The amendments also make clear that the relevant provisions are made and validly made under the exemption power of section 282 of the land act. The amendments are also to achieve clarity and consistency of language. These amendments to the regulation are also retrospective. Mr Speaker, I commend the bill to the Assembly.

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

## **Chief Minister**

### **Notice of motion of want of confidence**

*Mr Stefaniak having delivered a notice of motion of want of confidence in the Chief Minister, the Clerk, pursuant to standing order 103, reported the notice as follows:*

That this Assembly no longer has confidence in the Chief Minister, Mr Stanhope, MLA, particularly in view of his and his government’s handling of the 2003 bushfires.

## **Sitting pattern—2007**

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

That the resolution of the Assembly of 14 December 2006 be amended by omitting 21 and 22 February 2007 and inserting Wednesday, 28 February 2007.

## **Quarterly travel report—non-executive members Paper and statement by Speaker**

**MR SPEAKER:** I present the following paper:

Quarterly travel report—non-executive members to December 2006.

Members will be aware that, since early in the Sixth Assembly, reports detailing the travel of non-executive members have been tabled by me on a quarterly basis. However, based on feedback from those responsible for compiling these reports, I agreed recently to some revisions to the way that the information is compiled and reported. This is the first of the new reports. The most significant difference is that, for ease of compilation and ease of future reference, the new reports will now show on a progressive basis all travel undertaken during the Sixth Assembly, not just the travel undertaken in the relevant quarter.

One particular issue that this will assist in reporting is where members' travel costs are still being finalised some time after they return to Canberra and after a travel report is due to be tabled. It is not uncommon for invoices for services such as taxis and, in some case, air fares to lag for one to two months after the travel is complete. Under the former reporting arrangements, subsequent reports had to be extensively footnoted to clarify changes for travel that was actually outside the particular reporting period. Under the new arrangements, such updates in costs will be more easily shown. Of course, for those seeking details of travel undertaken, the new arrangements will mean that an individual need only obtain the most recent report to have the complete information. I intend to continue to table these reports on a quarterly basis.

## **Papers**

**Mr Corbell** presented the following papers:

### **Performance reports**

Financial Management Act, pursuant to section 30E—half-yearly departmental performance reports—December 2006, for the following departments or agencies:

ACT Health.

ACT Planning and Land Authority (including Strategic Indicator Report).

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

Chief Minister's, dated January 2007.

Disability, Housing and Community Services, dated January 2007.

Education and Training, dated January 2007.

Territory and Municipal Services.

Tourism, Sport and Recreation.

Treasury, dated January 2007.



**Petitions—out of order**

Evatt—19 and 21 Norton Street—proposed redevelopment—Ms Porter (105 signatures).

Barton—development applications Nos 200605834 and 200605480—Mr Corbell (235 signatures).

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

Legislation Act, pursuant to section 64—

Casino Control Act—Casino Control (Fees) Determination 2006 (No 2)—Disallowable Instrument DI2006-256 (LR, 14 December 2006).

Children and Young People Act—

Children and Young People (Places of Detention) Aboriginal and Torres Strait Islander Residents Standing Order 2007 (No 1)—Disallowable Instrument DI2007-3 (LR, 4 January 2007).

Children and Young People (Places of Detention) Admission and Classification Standing Order 2007 (No 1)—Disallowable Instrument DI2007-4 (LR, 4 January 2007).

Children and Young People (Places of Detention) Death in Custody Standing Order 2007 (No 1)—Disallowable Instrument DI2007-11 (LR, 4 January 2007).

Children and Young People (Places of Detention) Health and Wellbeing Standing Order 2007 (No 1)—Disallowable Instrument DI2007-5 (LR, 4 January 2007).

Children and Young People (Places of Detention) Police Interviews Standing Order 2007 (No 1)—Disallowable Instrument DI2007-10 (LR, 4 January 2007).

Children and Young People (Places of Detention) Provision of Information, Review of Decisions and Complaints Standing Order 2007 (No 1)—Disallowable Instrument DI2007-1 (LR, 4 January 2007).

Children and Young People (Places of Detention) Records and Reporting Standing Order 2007 (No 1)—Disallowable Instrument DI2007-2 (LR, 4 January 2007).

Children and Young People (Places of Detention) Safety and Security Standing Order 2007 (No 1)—Disallowable Instrument DI2007-7 (LR, 4 January 2007).

Children and Young People (Places of Detention) Use of a Safe Room Standing Order 2007 (No 1)—Disallowable Instrument DI2007-8 (LR, 4 January 2007).

Children and Young People (Places of Detention) Use of Force Standing Order 2007 (No 1)—Disallowable Instrument DI2007-9 (LR, 4 January 2007).

Children and Young People (Places of Detention) Visits, Phone Calls and Correspondence Standing Order 2007 (No 1)—Disallowable Instrument DI2007-6 (LR, 4 January 2007).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2007 (No 1)—Disallowable Instrument DI2007-37 (LR, 18 January 2007).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-52 (LR, 4 December 2006).

- Court Procedures Act—Court Procedures Amendment Rules 2006 (No 2)—Subordinate Law SL2006-58 (LR, 18 December 2006).
- Dangerous Substances Act—Dangerous Substances (Storage and Handling Code of Practice) Approval 2006—Disallowable Instrument DI2006-258 (LR, 14 December 2006).
- Electoral Act—Electoral Commission (Chairperson and Member) Appointment 2006 (No 3)—Disallowable Instrument DI2006-250 (LR, 7 December 2006).
- Emergencies Act—Emergencies (Bushfire Council Members) Appointment 2007—Disallowable Instrument DI2007-38 (LR, 25 January 2007).
- Freedom of Information Act—Freedom of Information Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-56 (LR, 14 December 2006).
- Gas Safety Act—Gas Safety Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-53 (LR, 7 December 2006).
- Gas Safety Regulation—Gas Safety (Appliance Worker Accreditation Code) Approval 2007—Disallowable Instrument DI2007-33 (LR, 25 January 2007).
- Gungahlin Drive Extension Authorisation Act—Gungahlin Drive Extension Authorisation Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-54 (LR, 11 December 2006).
- Health Professionals Act—
- Health Professionals Exemption 2007 (No 1)—Disallowable Instrument DI2007-36 (LR, 18 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 1)—Disallowable Instrument DI2007-12 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 2)—Disallowable Instrument DI2007-13 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 3)—Disallowable Instrument DI2007-14 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 4)—Disallowable Instrument DI2007-15 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 5)—Disallowable Instrument DI2007-16 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 6)—Disallowable Instrument DI2007-17 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 7)—Disallowable Instrument DI2007-18 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 8)—Disallowable Instrument DI2007-19 (LR, 4 January 2007).
  - Health Professionals (Fees) Determination 2007 (No 9)—Disallowable Instrument DI2007-20 (LR, 4 January 2007).
- Health Professionals Act and Health Professionals Regulation—Health Professionals (Chiropractors and Osteopaths Board) Appointment 2007 (No 1)—Disallowable Instrument DI2007-23 (LR, 4 January 2007).
- Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Utilities (Network Facilities Tax)) Declaration 2006 (No 1)—Disallowable Instrument DI2006-272 (LR, 22 December 2006).
- Land (Planning and Environment) Act—
- Land (Planning and Environment) Criteria for the Direct Grant of a Crown Lease for the National Zoo and Aquarium Determination 2007—Disallowable Instrument DI2007-27 (LR, 15 January 2007).
  - Land (Planning and Environment) Section 167 Leases Determination 2007—Disallowable Instrument DI2007-34 (LR, 18 January 2007).

- Legal Profession Act—Legal Profession (Disciplinary Tribunal) Appointment 2007 (No 1)—Disallowable Instrument DI2007-25 (LR, 11 January 2007).
- Liquor Act—Liquor Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-57 (LR, 14 December 2006).
- Long Service Leave (Building and Construction Industry) Act—Long Service Leave (Building and Construction Industry) Board Appointment 2006—Disallowable Instrument DI2006-268 (without explanatory statement) (LR, 21 December 2006).
- Long Service Leave (Building and Construction Industry) Act and Financial Management Act—Long Service Leave (Building and Construction Industry) Board Appointment 2007—Disallowable Instrument DI2007-26 (LR, 11 January 2007).
- Mental Health (Treatment and Care) Act—
- Mental Health (Treatment and Care) (Mental Health Facility) Approval 2007 (No 1)—Disallowable Instrument DI2007-24 (LR, 4 January 2007).
  - Mental Health (Treatment and Care) (Official Visitors) Appointment 2007 (No 1)—Disallowable Instrument DI2007-21 (LR, 4 January 2007).
  - Mental Health (Treatment and Care) (Official Visitors) Appointment 2007 (No 2)—Disallowable Instrument DI2007-22 (LR, 4 January 2007).
- Nature Conservation Act—
- Nature Conservation (Flora and Fauna Committee) Appointment 2007 (No 1)—Disallowable Instrument DI2007-30 (LR, 18 January 2007).
  - Nature Conservation (Flora and Fauna Committee) Appointment 2007 (No 2)—Disallowable Instrument DI2007-31 (LR, 18 January 2007).
- Public Place Names Act—
- Public Place Names (Belconnen) Determination 2007 (No 1)—Disallowable Instrument DI2007-28 (LR, 15 January 2007).
  - Public Place Names (Bonython) Determination 2006 (No 1)—Disallowable Instrument DI2006-255 (LR, 14 December 2006).
  - Public Place Names (Harrison) Determination 2007 (No 1)—Disallowable Instrument DI2007-29 (LR, 15 January 2007).
- Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No 9)—Disallowable Instrument DI2006-270 (LR, 21 December 2006).
- Racing Act—Racing Appeals Tribunal Appointment 2007 (No 1)—Disallowable Instrument DI2007-35 (LR, 18 January 2007).
- Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2006 (No 2)—Subordinate Law SL2006-60 (LR, 21 December 2006).
- Road Transport (Driver Licensing) Act, Road Transport (General) Act, Road Transport (Public Passenger Services) Act, Road Transport (Vehicle Registration) Act—Road Transport Legislation (Accreditation and Licensing) Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-59 (LR, 18 December 2006).
- Road Transport (Driver Licensing) Regulation—
- Road Transport (Driver Licensing) Accreditation Guidelines 2006 (No 1)—Disallowable Instrument DI2006-259 (LR, 18 December 2006).
  - Road Transport (Driver Licensing) Driving Instruction Code of Practice 2006 (No 1)—Disallowable Instrument DI2006-269 (LR, 21 December 2006).
  - Road Transport (Driver Licensing) Public Vehicle Licence Guidelines 2006 (No 1)—Disallowable Instrument DI2006-261 (LR, 18 December 2006).

- Road Transport (General) Act—
- Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No 11)—Disallowable Instrument DI2006-263 (LR, 21 December 2006).
  - Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No 12)—Disallowable Instrument DI2006-264 (LR, 21 December 2006).
  - Road Transport (General) (Driver Licence and Related Fees) Determination 2006 (No 2)—Disallowable Instrument DI2006-252 (LR, 22 December 2006).
  - Road Transport (General) (Vehicle Registration and Related Fees) Determination 2006 (No 2)—Disallowable Instrument DI2006-253 (LR, 11 December 2006).
- Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Exemption 2006 (No 2)—Disallowable Instrument DI2006-262 (LR, 18 December 2006).
- Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) Accreditation Guidelines 2006 (No 1)—Disallowable Instrument DI2006-260 (LR, 18 December 2006).
- Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2006 (No 2)—Subordinate Law SL2006-51 (LR, 4 December 2006).
- Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2007 (No 1)—Disallowable Instrument DI2007-39 (LR, 29 January 2007).
- Road Transport (Vehicle Registration) Regulation—Road Transport (Vehicle Registration) Authorisation and Approval of Premises Guidelines 2006 (No 1)—Disallowable Instrument DI2006-257 (LR, 18 December 2006).
- Taxation Administration Act—
- Taxation Administration (Amounts payable—Home Buyer Concession Scheme) Determination 2006 (No 2)—Disallowable Instrument DI2006-265 (LR, 21 December 2006).
  - Taxation Administration (Amounts payable—Home Buyer Concession Scheme) Determination 2006 (No 3)—Disallowable Instrument DI2006-266 (LR, 21 December 2006).
  - Taxation Administration (Amounts payable—Utilities (Network Facilities Tax)) Determination 2006 (No 1)—Disallowable Instrument DI2006-271 (LR, 22 December 2006).
  - Taxation Administration (Levy) Determination 2006 (No 2)—Disallowable Instrument DI2006-251 (LR, 7 December 2006).
- University of Canberra Act—University of Canberra (Obligations) Amendment Statute 2007—Disallowable Instrument DI2007-32 (LR, 15 January 2007).
- Utilities Act—Utilities (Consumer Protection Code) (Industry Code) Determination 2006 (No 1)—Disallowable Instrument DI2006-267 (LR, 21 December 2006).
- Victims of Crime Act—Victims of Crime Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-61 (LR, 21 December 2006).
- Victims of Crime Regulation—Victims of Crime (Victims Assistance Board) Appointment 2006 (No 1)—Disallowable Instrument DI2006-254 (LR, 11 December 2006).
- Water Resources Act—Water Resources Amendment Regulation 2006 (No 2)—Subordinate Law SL2006-55 (LR, 11 December 2006).

## **Committee reports—schedule of government responses Paper and statement by Speaker**

**MR SPEAKER:** For the information of members, I present the following paper:

Committee reports—schedule of government responses.

This is a procedural innovation and I advise the Assembly that I will be tabling such reports each six months in order to provide the Assembly with information in relation to the progress of committee reports.

### **Papers**

**Mr Speaker** presented the following papers:

Study trips—reports by Mrs Dunne MLA—

Media training at Image Media Services—Sydney, 13 September 2006.

Menzies Research Centre—conference on state policy issues—Sydney, 8 and 9 September 2006.

## **Budget 2006-2007—mid-year review 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:

Budget 2006-2007—Mid-year review.

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

Leave granted.

**MR STANHOPE:** The Financial Management Act 1996 requires the Treasurer to prepare a budget mid-year review for each financial year. The review requires an update for the estimated financial position for the current year and updated budget estimates for each of the next three or four years. The general government sector estimated budget outcome for 2006-07 has improved in the mid-year review from a budgeted net operating deficit of \$80.3 million to a revised net operating deficit of \$42.5 million. This improvement was mainly due to strong commercial conveyance returns over the past six months, improved GST revenue grants, and increased interest revenue following recent interest rate increases.

Beyond 2006-07, the territory's projected budget position remains broadly unchanged. This reflects the net impact of several major factors—upward revisions of interest revenue resulting from increases in investment balances and interest rate increases, continued strong conveyance returns, resulting in higher taxation revenue, and a

higher superannuation asset base, contributing to higher estimated long-term returns on superannuation assets. These upward movements have, however, been offset by increased forecast expenditure on wages for ACT Policing as a result of expected enterprise bargaining outcomes.

It is also clear that, with this recent improvement in our current net operating balance, the government is delivering on its fiscal commitment of restoring the net operating balance back into surplus. As outlined in the review, on current projections it is anticipated that the budget will be in surplus by 2008-09. It is significant to note that the ACT maintains a very strong balance sheet and retains a AAA credit rating, with negative net debt, which means our assets are more than liabilities, and moderate levels of net financial liabilities.

Mr Speaker, the level of economic activity in the ACT remains strong. The volume of non-dwelling construction is the greatest since the construction of the new Parliament House and unemployment is at a record low. The persistent strong demand for labour appears to be resulting in a marked improvement in the rate of labour force participation in the ACT. The combination of a high level of economic activity, a significant increase in the labour force participation rate and a record low unemployment rate has accommodated a strong employment growth in recent months. As a result, the forecast economic and population growths in 2006-07 have been revised upwards since the budget.

Mr Speaker, the recently released report on government services produced by the Productivity Commission showed that government services in the ACT continued to be among the best in the country, although it is important to note that the report predates the ACT government's recent budget reforms and initiatives which aim to bring the costs associated with many government services back into line with those of other jurisdictions without compromising service standards and/or performance.

To that end, we still have a significant road to travel. The ACT inherently has high expenditure levels, with the national standardised level of expenditure generally beyond our revenue-raising efforts. The government is committed to reducing the gap while ensuring that we continue to achieve good outcomes in key areas. Mr Speaker, I commend the mid-year review to the Assembly.

## **Paper**

**Mr Stanhope** presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated financial report for the financial quarter and year-to-date ending 31 December 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 14—Instrument directing a transfer of funds within the Chief Minister's Department, including a statement of reasons, dated 2 and 7 February 2007.

Pursuant to section 15—Instrument directing a transfer of funds between output classes of the Shared Services Centre.

Pursuant to section 18A—Instrument authorising expenditure from the Treasurer's Advance relating to the Chief Minister's Department, including a statement of reasons, dated 15 December 2006.

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

Leave granted.

**MR STANHOPE:** Mr Speaker, as required by the Financial Management Act 1996, I have tabled an instrument issued under section 14 of the act. The associated statement of reasons for the instrument must be tabled in the Assembly within three sitting days after it is given. This transfer between appropriations under section 14 of the Financial Management Act 1996 involves the transfer of \$369,000 of government payment for outputs relating to unspent grant funding for capital injections in the Chief Minister's Department to manage unexpected costs of the Canberra glassworks project. The detail of the instrument can be found within the tabled package. I commend the paper to the Assembly.

I have also tabled an instrument issued under section 15 of the Financial Management Act 1996 and the corresponding statement of reasons. The attached instrument transfers government payment for outputs of \$471,000 between output classes within the Shared Services Centre. This transfer moves publishing and records management services from output class 4: finance services to output class 1: InTACT. The realignment of the output class structure within the Shared Services Centre reflects InTACT's responsibility for the delivery of these services.

Mr Speaker, I also note that the Shared Services Centre commenced on time a week ago, and has begun its initial operations as a significant change and reform to ACT government service delivery and management. I look forward very much to its continued operations and success as a very important part of our last budget and the decisions that we have taken to adjust the structure of ACT government service delivery. I commend this paper to the Assembly.

Mr Speaker, as required by the Financial Management Act 1996, I have also tabled an instrument issued under section 18A of the act. The direction and a statement of reasons for the instrument must be tabled in the Assembly within three sittings days after it is given. This instrument provides funding of \$77,490 to the Chief Minister's Department to meet rental payments to Dytin Pty Ltd for the period 1 January to 31 March 2007. Provision of this funding is consistent with the Narrabundah Long Stay Caravan Park land swap agreement entered into by the government and Dytin Pty Ltd on 11 August 2006. I commend this instrument to the Assembly.

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 10.56 am until Wednesday,  
28 February 2007, at 10.30 am.**