



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

30 March 1993

Tuesday, 30 March 1993

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Tuesday, 30 March 1993

MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Moore**, from 194 residents, requesting that the Assembly create landlord-tenant legislation that addresses fair rent, lease agreements and security of tenure.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Landlord and Tenant Legislation

The petition read as follows:

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

The petition of residents and the lessees of Campbell Shopping Centre draws to the attention of the Assembly the following concerns:

- . That the livelihood of the lessees of the Campbell Shopping Centre and the continuation of this local shopping centre, including Pharmacy, Supermarket and Restaurant, is being threatened by the actions of the landlord.
- . The petitioners draw your attention to the fact that the pharmacy services the St. Vincent de Paul Aged Home and the general ageing population in Campbell.

Your petitioners therefore request the Assembly to:

Create Landlord/Tenant legislation that addresses fair rent, lease agreements and security of tenure.

Petition received.

QUESTIONS WITHOUT NOTICE

Motor Vehicle Thefts

MR HUMPHRIES: My question is to the Minister responsible for police. I refer the Minister to rates of car theft in the ACT and to the Minister's answer to my question in the Assembly last week on this subject. Will the Minister concede that, based on the number of incidents reported to police since the beginning of 1991-92, there has been no significant decline in the number of car thefts in the ACT over that period?

MR CONNOLLY: Madam Speaker, I did not actually hear the first part of that question where Mr Humphries apologised to me for the statements he has been making over the last few days. The fact of the matter is that what I said in the Assembly on Wednesday of last week was that for the six-month period from June to December 1992, as opposed to the six-month period from June to December 1991, there had been a 12 per cent decrease in the number of motor vehicle thefts in Canberra. The assistant commissioner of the ACT region of the Australian Federal Police has since confirmed that. He confirmed that at a press conference yesterday. He confirmed that in a note to me, which I circulated to Mr Humphries yesterday, and I think I provided a copy to Mr Moore and Ms Szuty, who were also expressing some interest in the subject.

Offence statistics show that there was a 12 per cent reduction in that six-month period, as I said. The police did some additional work and gave the absolute update to the end of February, which continues to show a reduction. The rate of motor vehicle thefts is running at about 100 below the equivalent period in the previous financial year. So the rate of motor vehicle theft is falling, Mr Humphries. If you do not accept that, either you are a fool, which I know that you are not, or you are very disingenuous. You are attempting to suggest that I have somehow misled the Assembly. I do not mind that you do not accept my word - I would expect a Liberal not to accept my word - but I find it extraordinary that the Liberal Party seems to be persisting in not accepting the word of the assistant commissioner of police.

Mr Dawson made plain at the press conference yesterday the difference between incidents and offences. We report offences. The annual report of the AFP, which is published both in the Commonwealth Parliament and in this chamber, reports offences year to year. It allows us to compare how we are going from year to year. Offences are reported in every other State in Australia. The Institute of Criminology publishes a summary called "The State of the Crime Problem in Australia". Mr Humphries is aware of that document, because he sent me a sheet from it yesterday in relation to another area - break, enter and steal. He is aware, or should be aware, that the way you compare rates of crime is on the basis of offences reported.

Mr Dawson explained the difference between incidents and offences in this way, and I think it makes it very graphic: On a Friday or Saturday night, and it usually is on a Friday or Saturday night, a person has a few drinks, having parked his car in a city car park. It is not uncommon for such a person to ring the police and say that his car has been stolen. In fact, having had a few drinks, he forgets that his car is parked somewhere else and he cannot find it. He discovers the next day that the car was not stolen; it was in the car park. The police report shows that there was an incident, but no offence. Another example Mr Dawson gave to me this morning, when I was discussing the matter in my office, is of a person who

comes home from work and finds that his car is not there, nor is his teenage son or daughter. He rings the police and reports that the car has been stolen. In fact, teenage son or daughter borrowed the car keys, without consent from mum and dad, and shot off somewhere. They get home later on in the evening and the person rings police operations saying, "Sorry about that; the report we made of a car theft was not a car theft at all, it was just son or daughter borrowing the car".

Claims about levels of incidents show nothing; what is important is levels of offences, and Mr Humphries again knows that, because a document he circulated to me yesterday, trying to make a point about break, enter and steal, shows the number of offences. The number of offences has declined in relation to motor vehicle theft in the ACT, on the six-month reporting period, which is a reporting period I had been aware of when I gave the answer to the Assembly on Wednesday. It was the reporting period in an executive brief I had seen and it showed a marked 12 per cent decrease. More recent police figures continue to show the decrease, although it is running, as at the moment, at about 8 per cent below the previous financial year. The simple fact of the matter is that motor vehicle theft is running below the rate of the previous year, no ifs and buts.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker. I ask the Minister the question again on this basis: Will the Minister concede that for the first six months of the 1991-92 financial year the rate of car theft was significantly higher than it was for the rest of that financial year, so that the first six months of 1991-92 showed a higher rate of car theft? Will the Minister then concede that comparing part of that year with part of this year is an inaccurate reflection of what is taking place and that a better reflection is to look at the full year figure, the monthly rate of car theft throughout the year, and compare it with the monthly rate of car theft for this financial year so far? What is the conclusion from that comparison?

MR CONNOLLY: Madam Speaker, a statistician will tell you that you can usually twist and turn sets of figures to make whatever point you want to make. Politicians are adept at doing that. But no matter how Mr Humphries seeks to twist and turn these figures he cannot make the point he tries to make, that is, that there is an increase in motor vehicle theft. Comparing equivalent six-month periods gives you a basis of comparison.

Mr Humphries: Can you answer my question?

MR CONNOLLY: The answer is that, comparing equivalent six-month periods, there was a 12 per cent decrease. Comparing periods to date, 1991-92 to 1992-93, there continues to be a decrease. No matter how you twist and turn those figures, you cannot get away from the fact that the rate of motor vehicle theft as at 5 March 1993, because that is the latest data that was available on the criminal database, on the brief that Mr Humphries has, is running at 1,042 for the current year; for the previous year it was running at 1,151, or 100 below. If you compare year to date or if you compare equivalent six-month periods, you see a decline in both cases.

Mr Humphries: But not monthly averages?

MR CONNOLLY: You would see a decline on a monthly average as well.

Mr Humphries: For the full year?

MR CONNOLLY: We do not have full year figures; this is the problem.

Mr Humphries: You do for last year.

MR CONNOLLY: In 1991-92 we had seen an increase over 1990-91. Motor vehicle theft was increasing. It is now decreasing; that is the point. The point is that motor vehicle theft, which had been steadily increasing in the ACT, as it had across the rest of Australia, is now starting to come down. New South Wales was the first to detect that. We are now picking that up.

That makes the point, which I was trying to make in answer to the original question, that the way you get on top of endemic crime problems is through toughening the target. Five years ago we would have said, "Motor vehicle theft is an endemic problem and housebreaking is an endemic problem; there is nothing we can do to stop the steady increase in figures". As a nation we are now turning around motor vehicle theft figures. They are turned around in the ACT. Financial year 1991-92 showed an increase over financial year 1990-91, but the current year's figures for the first half of 1992-93 show that we have turned that around and are coming down. Whether you look at that over the first six months of 1992-93 as opposed to the first six months of 1991-92 or whether you look at year to date 1991-92 compared to year to date 1992-93, you still see that it is coming down. It had gone up, but it is coming down.

Youth Unemployment

MS ELLIS: My question is directed to the Chief Minister. I ask: What is the proportion of young people in the ACT who are unemployed? Can you account for the fact that for the period January-February the number of young people unemployed fell by 300 but the unemployment rate for this age group actually increased?

MS FOLLETT: I thank Ms Ellis for the question. A youth unemployment rate running at around 45 per cent reinforces this Government's commitment to give first priority to job creation, and indeed that remains our position. However, it is important to understand what those statistics mean and how they are derived. The first issue that needs to be answered is what it is that the Bureau of Statistics is measuring in looking at youth unemployment. We need to acknowledge that they are not looking at the usual definition of youth, which I would take to be those under 25 or, when you are getting to my age, anyone under 30. What the Bureau of Statistics is looking at is teenagers - those aged 15 to 19 years. So it is a specific group of people. It is not just teenagers, but those teenagers who are seeking full-time employment.

If you break down the statistics, you can see that, of all ACT teenagers, just over 10 per cent are unemployed and seeking full-time employment. So there is a 10 per cent unemployment rate amongst teenagers. Some 12 per cent of them are employed on a full-time basis. Of the remaining 78 per cent of ACT teenagers, the vast majority are at school or in post-school education or training. Some of them are also working part time, so there is an overlap there. But the vast majority of Canberra teenagers, as you would expect, are at school or at some post-school training.

Ms Ellis also asked about the month to month fall in the numbers of unemployed young people, which appear to fly in the face of a slight increase in the rate of unemployment. The detailed figures are yet to be released by the Bureau of Statistics, but it does appear that the fall and the increase in the rate came about because of a very significant decrease - about 1,500 - in the number of teenagers in the full-time labour force. That is most likely as a result of teenagers leaving the labour force at the beginning of the school or college year to go back to full-time education. The position is further complicated by the fact that some of those teenagers who are registered as seeking full-time employment are actually still in full-time education. So the position is clouded a little.

At the same time, there has been quite a reduction in the teenage full-time labour force participation rate. In fact, that has decreased from 29.3 per cent to 22.4 per cent over the past month. Again, you would expect that people going back to school or back to university account for a large part of that decrease. The monthly fluctuations and the huge fluctuations that occur in the ACT are further compounded by the fact that the Bureau of Statistics survey of the labour force is based on a very small sample. Only one in every 75 households is sampled, so it does tend to make monthly figures pretty volatile and not nearly as reliable as those in some of the bigger States.

Apart from all those statistical problems, there are some underlying difficulties with the unemployment of teenagers in the ACT as compared to other States. I have a large amount of resources devoted to looking at these problems and coming up with solutions. Some of the difficulties that young people face - teenagers in particular - are specific to the ACT. The first one, of course, is the fact that our industry base is not particularly diversified. We do not have a large manufacturing base here. There is also a lot of competition for jobs from older and much more experienced workers and from people who are vocationally qualified for employment. Another factor is that our biggest employer, the Commonwealth Public Service, has undertaken very minimal recruitment of teenagers in recent years, so what used to be a big opportunity for young people in the ACT has very largely dried up over recent years. It is not a straightforward question but it is one to which the Government continues to give its highest priority. It is important to know what it is that we are looking at in those statistics.

Unemployment Statistics

MR STEVENSON: My question is also to the Chief Minister, although I wonder whether I should wait till she finishes chewing. My question is related to unemployment figures as well. I ask how unemployment figures are collated. What is included and what is not? How do the total figures compare with the number of people receiving social security benefits?

MS FOLLETT: I thank Mr Stevenson for the question. It does follow on from the one I have just answered. The unemployment data I have quoted in the past for the ACT are those gathered by the Australian Bureau of Statistics in the course of their monthly review of the labour force. As I have said before, the ABS has a very concise definition of those categorised as unemployed. To put it briefly, the unemployed are those people aged 15 and over who were not in paid employment during the week the survey was carried out, who had actively

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looked for work at any time in the four weeks up to the end of the survey week, who were available for work, or who were waiting to start a new job or to be called back to a job from which they had been stood down without pay for less than four weeks up to the end of the survey week. So it is a very specific definition.

By contrast, the Department of Social Security counts only those people who are unemployed and who receive benefits. The definition of "unemployed" that is used by DSS is those who are not working more than 12 hours a week and have registered themselves with the Commonwealth Employment Service as being unemployed and seeking work and are prepared to work on a full-time basis. So there is a definitional difference there. The ABS monthly survey of the labour force, on the other hand, produces an estimate of the number and proportion of unemployed in the labour force. The ABS and DSS figures differ because not all unemployed people register with the CES, which is a prerequisite for receiving unemployment benefits.

MR STEVENSON: Madam Speaker, I ask a supplementary question. I also asked how the total figures compared with each other. In other words, how many people in the ACT are registered as unemployed and how many people are receiving unemployment benefits?

MS FOLLETT: I do not have those figures available to me, Madam Speaker. I can certainly look them up for Mr Stevenson.

Motor Vehicle Thefts

MR DE DOMENICO: Madam Speaker, my question without notice is to the Minister responsible for police, Mr Connolly. I refer to the police brief supplied to the Minister and upon which the Minister relied last week in suggesting that car theft was on the decline in the ACT. An article in yesterday's *Canberra Times* stated that a copy of the brief had been issued by the Minister. Will he therefore table the brief in the Assembly?

MR CONNOLLY: Madam Speaker, no, I certainly will not table the brief; nor have I provided the brief to anyone, because the brief contains extensive material which is of a highly confidential nature.

Mr Humphries: Like what?

MR CONNOLLY: It contains monthly police material.

Mr Humphries: Why is that confidential?

MR CONNOLLY: Because, Mr Humphries, no State or Territory produces that material. Madam Speaker, I have had checked this morning the practice in Queensland, New South Wales and Victoria. In each of those States, two of which have the misfortune of living under a Liberal government, the practice is that police crime statistics are accountable to the parliament by means of an annual report. That is the situation here, and it is very accountable. In every State, monthly summary material is treated as highly confidential. It has internal classifications of "police restricted" or higher. That is because it shows breakdowns, month by month, region by region, of where crime is occurring. That varies from month to month. In one month there will be a higher rate of housebreaking in Belconnen than there is in Woden and Tuggeranong.

Mr Humphries: Why can you not publish that?

MR CONNOLLY: One does not need to be a genius to work out that a sensible police force would respond to a higher rate of a particular offence in Belconnen by deploying additional police resources to the area of the particular problem. By publishing on a month by month basis where our problems are, we are telegraphing to those who may have evil intent where our resources are being redeployed. That is why, after discussion with my police commissioner, I will not be publishing monthly data that I get from the police commissioner. That is why, Mr Humphries, your Liberal Party colleague in New South Wales does not release monthly police data and your Liberal Party colleague in Victoria does not produce monthly police data. Although I have not checked every State, I am sure that your Liberal Party colleagues in Tasmania and Western Australia do not release and will not release monthly data. The monthly data the police obtain is used as a management tool to tell police where to deploy resources.

Mr Humphries: It is also embarrassing to the Government, isn't it?

MR CONNOLLY: Mr Humphries, if it is, it will be embarrassing when it is published at the time of the annual report.

Mr Humphries: That is only once a year rather than 12 times a year.

MR CONNOLLY: Madam Speaker, we see that Mr Humphries's real agenda here is to beat the drum on law and order and whip up some political furore.

Mr Wood: Yes, Bill Stefaniak has gone. We need someone else to do that.

MR CONNOLLY: We have his replacement. I will adopt the practice that police Ministers are adopting around Australia, both Labor and Liberal, and that is to accept responsibility and accountability here for the official figures. I will not be producing for Mr Humphries's benefit, or for anyone's benefit, the monthly police briefings. I will, however, give to Mr Humphries what I gave to the media, which was a photocopy of the cover sheet of the executive brief, which stated that, with the exception of motor vehicle theft, with a 12 per cent decrease, offences in selected categories have shown increases. That is the case, and when we publish the annual report the level at which there have been increases or decreases will be made public. I am quite happy to give Mr Humphries that.

Mr De Domenico: Will you give it to me, seeing that I asked the question?

MR CONNOLLY: I am sorry; perhaps I had worked out the origin of the question, Mr De Domenico. The reason I provided that to the media on the weekend was that it documented that I had received the information from the assistant commissioner, that it was an official AFP document, and I felt it necessary to produce this in order to show the veracity of my statement. My statement that there had been a 12 per cent decrease was contained in an official police document, which I am happy to provide a part of.

I should also let you know, so that you do not salivate when you get it, that it also says that, with the exception of traffic infringement notices, with an 18 per cent decrease, and traffic arrests, with a 26 per cent decrease, demand and activities have shown increases ranging from about 5 per cent to 85 per cent.

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The 85 per cent, Mr Humphries, refers to the fact that, in the six-month period, we had done 85 per cent more random breath tests than in the equivalent six-month period. That is something I am sure you would say is good news rather than bad news. I am quite happy to table that document, which is as I provided it to certain media outlets.

Motor Vehicle Thefts

MR WESTENDE: My question is also directed to the Minister responsible for police, Mr Connolly. Can the Minister confirm or deny that the Australian Federal Police are giving consideration to the establishment of a task force to combat car theft in Canberra? If the answer is yes, and given the Minister's assertion that car theft is falling, what is the reason for the establishment of this task force?

MR CONNOLLY: Madam Speaker, I would adopt the practice of not confirming or denying when police establish task forces. Police establish task forces to deal with particular crime incidents. We were happy to say that the police established a task force to deal with Belconnen burglaries last year. The result of that task force was the bringing before the Supreme Court of a gentleman who was conducting a ring whereby juveniles did housebreaks and stole videos and TVs, and brought them to this individual, and he exchanged the goods for drugs. That gentleman was brought before the Supreme Court and given a very substantial term of imprisonment. That was the result of a task force. If I were to announce the formation of task forces as they are formed by police management, I would be flagging to those who are serious about criminal activity in this Territory, "Listen, chaps, you should lie low for a little while because we have created a police task force". I will be happy to announce the results of police task forces after the event, but I will not confirm or deny the creation of task forces as they are being created.

Yes, we regard car theft as a problem. The rate is coming down, but it is still a problem. Any crime is a problem. We have responded in the last 12 months or so to police requests that we speed things up and make ourselves more effective in relation to car thefts. One of the results of that is the frustration that some members of the public are now feeling - and they will have come to opposition members - at the delays they experience when they go to the Motor Vehicle Registry to first register a second-hand motor vehicle, that is, a second-hand motor vehicle which is not in current registration, an older motor vehicle for first registration. It was previously very easy to register that type of motor vehicle in the ACT. As a result of discussions between the AFP and the New South Wales police, we had reason to believe that the New South Wales system of getting tough on motor vehicle theft was susceptible to being subverted by people stealing cars, stripping them, rebuilding them, bringing the vehicle to Canberra, registering the vehicle here so that it gets legal registration, and then bringing it back into the New South Wales market.

It is now quite a task, requiring the production of quite a lot of identifying documents, to first register a motor vehicle in the ACT. I have had complaints to my office about that, and I have had to say to genuine people who have rebuilt a motor vehicle, "I am sorry about the delays, but it is part of our approach to making it harder to steal cars". We will continue to bring forward initiatives to make it harder for people to steal cars, but I will not confirm or deny the existence of that task force, or of any police task force, for the reasons I have outlined.

Health Advisory Council

MRS GRASSBY: My question is to the Minister for Health, Mr Berry. Can the Minister tell us what steps he has taken to establish an ACT health advisory council?

MR BERRY: I thank Mrs Grassby for the question. Members would be aware of Labor's commitment to a consultative approach to the development of health policy in the Territory. As part of that commitment, we have sought expressions of interest from people who wish to participate in a health advisory council for the ACT. The council will be a non-statutory body with up to 11 members and will represent a strong cross-section of the community - the health industry, unions, business and tertiary education sectors.

It will be a broadly based council with the objective of providing me with quality advice on the development of health services in the Territory. It will advise me principally on long-term issues and priorities for the ACT health system and will be part of the planning for the health needs of the Canberra region, bearing in mind that the public health system in the ACT provides services for the south-east region of New South Wales as well. The advisory committee will therefore be charged with the responsibility of advising me of the needs of the south-east region, to the extent that they can be determined. All members will be appointed by me for a three-year period. An advertisement has been placed in the *Canberra Times*, I understand, last Saturday, and there will be some other advertisements as well.

The Government is committed to maximising community input into the development of health services in the Territory, and I am confident that this approach will lead to a building of confidence within the ACT public health system. We need to put behind us the years of criticism of the system, which can be dealt with by this means as one way of approaching the issue. Undoubtedly, the Liberal health spokesperson will have some criticism of a council to advise me, as the Liberals criticise everything that governments do. That is what Liberal oppositions are for.

Mr Humphries: Labor oppositions were pretty good at it, too, in their day.

MR BERRY: No, we were expert at it. We were spot-on all the time. There are no inaccuracies from a Labor opposition. But we are not going back there, so you will not have to worry about that any more. Madam Speaker, this is a positive move for health in the Territory. It is one that will be well received, I am sure. I trust that once the committee is up and running we will be able to provide for the community a clear demonstration of the sort of advice we will use in the development of our health system for the people of the ACT and for the people of the south-east region.

Health Budget

MRS CARNELL: My question is to the Minister for Health. In the Treasurer's quarterly financial statement of 31 December 1992, tabled last week, the total recurrent expenditure in Health for the six-month period was shown as \$126.486m. ACT Health's financial performance report for the same period shows a total recurrent expenditure of \$120.526m, a difference of \$5.959m. I ask the Minister: Did he underestimate the blow-out in Health for the first six months of this financial year by nearly \$6m, or maybe there is another explanation?

MR BERRY: I am not familiar with the - - -

Mrs Carnell: It was tabled in the house last week.

MR BERRY: It may well have been. I do not have that information in front of me.

Mr Humphries: Yes, you do. It is sitting there. I can see it. That is the information there. That is what she is talking about.

MR BERRY: This is the health activity report for the December quarter, and something that was tabled last week. The Chief Minister tells me that she can deal with that issue.

MS FOLLETT: Madam Speaker, I am happy to comment on the question Mrs Carnell has asked. First of all, we can deal with the discrepancy between the two reports for the December quarter. I think that is readily accounted for by the fact that Treasury has only just completed the work on the mid-year review of budgets, if you like. I would take it that the figures in the Treasury document are more up to date than the figures in the former Board of Health's document.

The substance of Mrs Carnell's question relates to pro rata expenditure by the Department of Health in the first half of the financial year. It is true that the Treasury report reveals that Health is ahead, on a pro rata estimate, but I would caution you very much about taking those kinds of pro rata figures and projecting them to the end of the year. It is the case that such projections are not always meaningful, and in the particular case of Health there are reasons why their first half-year's expenditure is above a strict half of their budget. For example, the Consolidated Fund expenditure to December does include moneys which were drawn down into the Health bank account to allow for payments that were due during the first week of January 1993. The December figures also include allowances for the payment in December of the first January salary payment. There is also provision of funds for other payments due in the first week of January; prepayment of salaries and leave loadings to staff who were taking leave during the holiday period. Additional funds to compensate for outstanding reimbursements from other agencies include prepayment of the January grant to Calvary Hospital, and third-quarter grants - that is, grants after the end of December - to the non-government sector.

That explains why the expenditure for the first half of the year is more than half of the budget. The December expenditure also reflects the impact of increased hospital activity, which we have debated previously, and the continuing decline in the proportion of private patients and the continuing increase in the public patients who are being treated in our health system.

MRS CARNELL: I put a supplementary question to the Chief Minister. Does the Chief Minister accept that, if you compare the budgeted year to date figure for the first half of the year, which is actually more than half because of the comments you have made, and the actual expenditure for the first six months of the year, the difference is \$10.2m? That is a \$10.2m budget blow-out in six months.

MS FOLLETT: Madam Speaker, I have already cautioned people against using pro rata expenditure as a guide for full year budget outcomes. I will not confirm the figures Mrs Carnell has put forward. It is the case, as I have said many times, that the health budget is under stress, for a variety of reasons, not least of which is the increased activity, that is, the increased numbers of people seeking and receiving treatment in our health system, and the continuing decline of private patients versus public patients. Those two matters are continuing.

I have repeatedly said that the health budget is under stress. I think it is foolhardy indeed to project figures to the end of year budget outcome. Treasury and Health are together working very hard to ensure that the health budget is kept on track and that, where supplementation is warranted under the business rules, that occurs in a fashion which can be supported publicly, and that is what is occurring. As to the actual budget outcome, Mrs Carnell will have to wait until the end of the year to get the figures. I repeat that you cannot use a pro rata figure and project it out to the end of the year. That is too simplistic, and it will not be the end of year outcome.

Murrumbidgee Catchment Management Committee

MS SZUTY: My question without notice is to the Minister for the Environment, Land and Planning, Mr Wood, and concerns the launch of the Upper Catchment Coordinating Committee, organised by the Murrumbidgee Catchment Management Committee, which was held on Saturday, 20 March, this year from 2.00 to 4.00 pm. I received an invitation to attend the launch. However, I decided not to go as the ACT was to be represented by the "Honourable Bill Wood, MLA, Minister for the Environment, Land and Planning, ACT". I have since heard that the Minister did not attend or speak at the launch. As a consequence, the views of the ACT Government were not expressed at this forum and it quickly degenerated into a Canberra bashing exercise. I ask the Minister why, if he was unable to attend the launch, he did not send a representative in his place, the Secretary of the Department of the Environment, Land and Planning, Mr Jeff Townsend, being the most obvious choice as the replacement. Further, does the Minister have a policy of asking representatives to attend forums, meetings and functions when he is unable to attend, especially where he has been invited to address those forums?

MR WOOD: Madam Speaker, it seems that that group got more than one thing wrong. I note the "Honourable". That is not a title we have adopted in this Assembly.

Mr Connolly: Don't sell yourself short.

Mr Berry: You qualify.

MR WOOD: I thank you for your assurances of my honourable nature. Occasionally I see things emerge where the title "Honourable" is used, and that is just one error that was made. I was rather bemused by that invitation. I had been approached not long before and I indicated that I supported the concept and I thought it was great that they were doing it, but I was not available on that day. I told them that. I understood also that at that time the New South Wales Minister was not able to attend. I did give them sufficient notice that I was not going to be there, upon their asking. As I recall, they had that advice from me within a day or two of the invitation arriving on my desk.

So I was somewhat startled to see the invitation come some weeks later with my name on it. It was simply wrong, because I was not able to go. I would be very happy to go on any future occasion. I have given that indication to them. It is a body I support. It is a well-established body. It has the same interests that we have in the ACT, and I am more than happy to participate. In answer to the other part of Ms Szuty's question, I should indicate quite clearly that a representative was sent. We did have people there who were able to represent the ACT. I do not know where Ms Szuty has got her information from, but I suspect that someone is doing a little stirring in the background.

I conclude by saying that the ACT record in the period of the second Follett Government and the first Follett Government has been excellent. The quality of the work of ACTEW and the cooperation between Mr Connolly and me on this matter have gone a long way towards ensuring that the quality of the water flowing out of Lower Molonglo is better than ever. It is probably not widely known at this stage that we have, after some debate, agreed on the location of the wall for the overflow dam, which in what are now the much rarer circumstances of an overflow would be a containment for that overflow. We have agreed on the dam wall, and I might indicate that it is a fairly successful way of doing it. From my point of view, I am anxious for the quality of the effluent to be very high and I am also anxious to protect the legless lizard that has a known and extensive habitat there. Mr Connolly has the same views.

In order to reconcile the differences that were there we instituted a new procedure under the Land Act of having a round-table conference to work this through. Our friends from the Conservation Council came along, and ACTEW and people from my Environment Department, and we sat around and worked through the various options and the difficulties. In the end we came to an agreement that the wall had to go in a certain place. It was certainly the best option. We resolved in a very sensible way what was potentially a quite difficult issue. That is just a further point on the way we are attending to our responsibilities to ensure the quality of water going into the Murrumbidgee.

MS SZUTY: I ask a supplementary question, Madam Speaker. Did the representative who was sent to represent the Minister at the forum actually address the forum?

MR WOOD: Madam Speaker, I will find out the details of that and get back to Ms Szuty.

Ms Follett: I ask that further questions be placed on the notice paper, Madam Speaker.

Canberry Fair Site

MS FOLLETT: Madam Speaker, on 23 March 1993 Mr Westende asked me a question relating to the future use of the Canberry Fair site and I undertook to provide him with an answer. I am aware that the site has been left vacant for approximately two years. This has been a result of the former lessee going into receivership. The former owner was Farrow Mortgage Services Pty Ltd as mortgagee in possession on behalf of Ardesia Pty Ltd. As recently as 11 February 1993, the lease was purchased by Olenty Holdings Pty Ltd. I am advised that the new owner is a consortium of developers who are eager to resurrect the original intentions for the site as an Australian village setting with an emphasis on art, craft and a variety of shops with some tourist attractions. I understand that advertisements have appeared recently in the *Canberra Times* seeking expressions of interest in establishing businesses within the complex, and I have been informed that the initial response to the proposed re-establishment of Canberry Fair has been promising.

Regarding the possibility of using the site for a training centre for the hospitality and tourism industry or as a gateway promotion for the National Museum, the current policy plan for the site may need to be varied to allow such uses. That process would, of course, require extensive public consultation.

Frequent Flyer Programs

MS FOLLETT: I wish to add to an answer to a question without notice on 25 March 1993 from Mr Stevenson. Mr Stevenson asked me a question relating to the use of frequent flyer programs for private benefit. I did suggest that he refer to the Speaker the part of his question relating to MLAs. I further offered to obtain a definitive answer from the Head of Administration in relation to public servants. Madam Speaker, I add to my previous answer that I have been advised by the Head of Administration that he is not aware of any instance where public servants have used frequent flyer programs for private benefit. If any such matters were to be reported, they would be handled under the relevant provisions of the Public Service Act.

Murrumbidgee Catchment Management Committee

MR WOOD: To confirm what I said to Ms Szuty a moment ago, there was a representative of the ACT at that forum she was talking about. There was no formal address by that person, but he did answer questions.

Influenza Vaccine

MR BERRY: Madam Speaker, I would like to provide some additional information in response to a question raised by Mrs Carnell about HIB vaccine. Mrs Carnell tried to create the impression that vaccines were generally free and that, because this one was not free, all Canberra was at risk. I bring forward some facts, which usually are not paid much attention by Mrs Carnell. In the last budget the Commonwealth Government announced that it would fund an HIB immunisation program to commence on 1 July. During the election campaign Mr Howe announced that the commencement of this program would be brought forward, if possible, to April 1993. This would enable the program to commence prior to the expected winter peak in the incidence of HIB disease.

The National HIB Advisory Committee set up to implement the Commonwealth funded program has agreed to let a national tender for the supply of vaccines to the States and Territories. The tender requirements have only just been finalised and the tender will be let in early April, with a decision being expected within 30 days. Vaccine supplies will be available to State distribution centres as soon as possible after that. HIB vaccine is already available on prescription through general practitioners, and has been for some time. The first vaccine on the market was suitable only for children aged 18 months and over, but more recently vaccine suitable for infants from two months of age has become available. The vaccine is not included in the pharmaceutical benefits scheme. A recent survey conducted in the ACT by the National Centre for Epidemiology and Population Health showed that a substantial proportion of children in the ACT are already vaccinated, particularly those aged between two and four years.

To dispel forever the false impression Mrs Carnell attempted to create that all vaccines were free, I will go through some of the vaccines that are available in the ACT: Diphtheria, tetanus and pertussis vaccine - I think they call that triple antigen - for infants from two months is available from ACT health immunisation clinics and is available on prescription through GPs, or GPs may purchase it wholesale. It is included in the pharmaceutical benefits scheme and is \$3.70 a unit. Diphtheria and tetanus vaccine for infants who cannot tolerate pertussis vaccine and boosters for older children are available from ACT health immunisation clinics and through the high school program. They are available free to GPs as part of the emergency doctors' bag and supplies are on PBS prescription. ADT and CDT are \$3.60 a unit. Polio vaccine for infants from two months is available at ACT health immunisation clinics and is supplied free to GPs by ACT Health, following transfer to the States of vaccine funding in 1988.

Measles, mumps and rubella vaccine for children aged 12 months is available from ACT immunisation clinics and is supplied to GPs by ACT Health. It is not on the pharmaceutical benefits scheme. Rubella vaccine for the high school program is available at ACT health clinics and is supplied to GPs by ACT Health. It is not on the pharmaceutical benefits scheme. A course of hepatitis B vaccine for newborns at risk is commenced at birth, with subsequent doses provided at Woden Valley Hospital. It is available on prescription through GPs and is not on the PBS. The cost is \$4.10 per neonatal dose for a three-dose course, and \$7.50 per adult dose. Influenza vaccine is available on prescription through GPs and is available on the PBS only for the risk categories. So there we are, Madam Speaker. That false impression Mrs Carnell tried to create has been sent to the place where all myths go.

LEAVE OF ABSENCE TO MEMBERS

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

That leave of absence from 30 to 31 March 1993 inclusive be given to Mr Kaine.

Motion (by **Ms Ellis**) agreed to:

That leave of absence from 30 to 31 March 1993 inclusive be given to Mr Lamont.

AUDITOR-GENERAL - REPORT NO. 1 OF 1993 Management of Capital Works Projects

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 1 of 1993, Management of Capital Works Projects.

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

That the Assembly authorises the publication of Auditor-General's report No. 1 of 1993.

Motion (by **Mr Berry**) proposed:

That the Assembly takes note of the paper.

Debate (on motion by **Mr De Domenico**) adjourned.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations. I also present a notice of the commencement provisions for an Act.

The schedule read as follows:

Business Franchise (Liquor) Act - Determination No. 23 of 1993 (37, dated 12 March 1993).

Land (Planning and Environment) (Amendment) Act (No. 2) - Notice of commencement (37, dated 12 March 1993).

Liquor Act - Determination of Fees - No. 26 of 1993 (S42, dated 23 March 1993).

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Prostitution Act - Determination No. 21 of 1993 (S44, dated 24 March 1993).

Self-Government (Transitional Provisions) Act - Self-Government (Transitional Provisions) Regulations (Amendment) - No. 10 of 1993 (S38, dated 12 March 1993).

Taxation (Administration) Act -

Determinations -

No. 22 of 1993 (37, dated 12 March 1993).

No. 24 of 1993 (37, dated 12 March 1993).

LAND (PLANNING AND ENVIRONMENT) ACT LEASES Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, pursuant to the Land (Planning and Environment) Act 1991, I present leases in accordance with the list circulated.

The list read as follows:

Leases granted pursuant to the *Land (Planning and Environment) Act 1991* for -

Ainslie -

section 30, block 14

section 66, block 1

section 82, block 19

section 97, block 22

Braddon, section 40, block 4

Kambah, section 449, block 8

Kingston, section 15, block 15

Lyneham, sections 48 and 52, blocks 24 and 6, respectively

Narrabundah, sections 82 and 114, blocks 5 and 14, respectively

Monash, section 160, blocks 9 and 12

O'Connor, section 34, block 11

Oxley, section 20, block 13

Wanniassa, section 258, block 39,

together with executive statements.

ATTORNEY-GENERAL
Motion of Censure

MR HUMPHRIES (3.20): Madam Speaker, I seek leave to move a motion of censure of the Minister for police.

Leave granted.

MR HUMPHRIES: I thank members, and I thank you, Madam Speaker. I move:

That this house censure the Minister for police for misleading it as to the incidence of crime.

I table a copy of that motion. Madam Speaker, I want to make clear at the outset what it is that I am not doing by moving this motion. I am not suggesting that the Minister set out deliberately to mislead the Assembly as to the situation with respect to crime in the ACT. I am not suggesting that he quoted figures which were of themselves inaccurate as to the matters contained in those figures. They were not inherently false or misleading as figures put forward by the Minister on behalf of the Government. I have no reason to believe that the figures he produced at the Assembly's meeting last week concerning the six-monthly comparisons between the first six months of last financial year and the first six months of this financial year are themselves not true. As we have heard, the Assembly is not to be provided with the full briefing document which justifies those figures, but I think we can take it as read that those figures are not disputed.

It is the contention of the Opposition that the reference to a 12 per cent decline over the two periods concerned was intended to suggest that car theft in the ACT was and is on the decline. An impression was created which is misleading in that respect because, in fact, the indications are not that there is any significant decline at all in car theft. Indeed, a distorted impression of what is going on in the ACT was created by that quoting of figures. It is also the contention of the Opposition that the Minister misled the Assembly with respect to the question of burglary rates by suggesting that an increase in burglary rates across the country matched and mirrored an increase in such crimes in the ACT. In fact, Madam Speaker, I want to indicate to the Assembly that that simply is not the case. Those are the two principal matters we bring before the Assembly.

Both statements were designed to show that the fight against crime being conducted by this Government was a fight that was somehow succeeding. The Minister was trying to throw a good light on those efforts by the Government, a better light than could reasonably be thrown by the facts. In many respects, Madam Speaker, it is true to say that basically the only good news to arise out of that brief to which the Minister referred earlier today was that information which he quoted, and that the overall picture of crime in the ACT painted by that brief and by all the other facts and figures which have come before the Assembly from time to time is very different. I believe, Madam Speaker, that to quote those figures in a sense out of context, in a way which misled us as to what was happening generally in the ACT, is reprehensible and is grounds for a motion of censure.

There are two principal bases of this motion. One is that the suggested 12 per cent decrease was indicative of car thefts in the ACT, when it was not. The other is the assertion that ACT burglary rates were to be favourably compared with those of the rest of Australia, when in fact they were not to be so favourably compared. Madam Speaker, the Minister answered the question concerned last Wednesday in the Assembly. It was a question I asked him about burglary rates, but the answer, at least in large part, ended up being about car thefts, about which I did not ask. He said:

... we now have a 12 per cent reduction ... in the six-month period ...

The six-month period he was referring to was the first six months of this financial year over the first six months of the 1991-92 financial year. He built on that comment to say:

Car thefts are decreasing ... because we are toughening the target.

He also said, in answer to the supplementary question asked on that day:

... we are now joining the trend in New South Wales and we are actually seeing a reduction in car theft ...

That was a very clear statement, a very clear assertion by the Minister, that car theft was going down; that we had good news on the car theft front; that there was a general improvement in our position, not necessarily just related to two particular periods in which analysis was being made but that overall we had a good prospect of improving our rates of car theft. I would suggest to the Assembly that those assertions are not borne out by other information which has been published in the *Canberra Times* and which is still essentially undisputed, notwithstanding the press conference, which the Minister is aware of, given yesterday by the assistant commissioner, Mr Dawson.

Assuming that the rate of car theft for those two periods is accurate - as I say, I have not seen the basis of the Minister's figures, so we have to assume that the figures are accurate - then the question has to be asked, "Do those two six-monthly periods accurately show the picture for car theft? Are they accurate indications of what is going on?". We all know, Madam Speaker, that it is possible to distort, very easily possible to distort, the impression created by a particular set of figures by quoting from them selectively. To take an extreme example, if I were to find one month in a preceding financial year when there was, for whatever reason - perhaps it was very cold or something - a very high rate of car theft, and then for that reason in the succeeding year in that same month there was a very low rate of car theft, I could compare those two months and say, "Look, car theft has dropped. Aren't we wonderful? Look at the way these two months compare". That, of course, would be a nonsense.

What the Minister has done by comparing two six-month periods is, I suggest, equally nonsensical, or at least certainly a very poor way of approaching the task of working out what is actually happening with car theft across the Territory on a continuing basis. The six-month period can be misleading. The figures I have seen indicate that that first six months of the 1991-92 financial year experienced a higher than usual level of car theft.

Mr Connolly: What was the total for that financial year?

MR HUMPHRIES: I will come to that. There is a dispute between the Minister and me, I suspect, about the difference between incidents and offences.

Mr Connolly: Well, what was the total offences in the annual report?

MR HUMPHRIES: I will come back to that. The point is that the difference between the two concepts being employed here, between incidents and offences, is a very difficult one to unravel. The fact of life is that incidents indicate all occasions where a complaint has been made to the police. Naturally, in those circumstances, we have to expect that some people will complain about a car being stolen when in fact there is no car that has been stolen. On the other hand, the category of offences is not always an accurate way of looking at the figures either. For example, if three youths steal a car, I suspect - and the Minister can correct me if I am wrong - that that will count as three offences, but only one car has been stolen.

Mr Connolly: If they are caught.

MR HUMPHRIES: If they are caught, obviously. So, with respect, neither incidents nor offences are an entirely accurate way of dealing with the statistical analysis of these problems. What would be more accurate perhaps would be the total number of incidents reported and confirmed in terms of the number of cars stolen. I would suggest that it is silly to look at a single car being stolen as three offences. That does not build up any accurate picture of how many cars are going missing in the ACT.

Mr Connolly: But that is the way the national figures do it. That is what happened with the figure you gave me yesterday; it is offences. That is how we measure these things.

MR HUMPHRIES: Yes, there is a difference in those two figures, Mr Connolly, because those are offences for each house broken into. There are separate charges laid for each house that is broken into, are there not? A person is not charged with breaking and entering for 15 houses, is he?

Mr Connolly: No, but if there are two people they are charged with two offences for each house.

MR HUMPHRIES: Indeed, but only one house has been broken into.

Mr Connolly: We measure offences.

MR HUMPHRIES: All right. Madam Speaker, the incidents figures which were published in the *Canberra Times* last weekend indicate very clearly that the rate at the end of the 1991-92 financial year was 1,553 incidents for the year. That is the information that is made available. I take it that that is not disputed. That is an average of about 129 incidents per month. That is worked out over the whole year, not just over a six-month period. Take the first six months, or even the first eight months, whatever you want to take, of this financial year. We do not have incidents. Incidents figures were published in the *Canberra Times*.

30 March 1993

Even taking the Minister's figures, of offences, which I think he argues are lower than incidents - I take it that he is arguing that they are lower than incidents - the rate of offences works out at 130 offences per month. On your own figures, Mr Connolly, we have here 1,042 offences committed in the first eight months of 1992-93. That works out to be an average of 130 per month.

Mr Connolly: Compare that to 1,151.

MR HUMPHRIES: No. Compared with 129 - - -

Mr Connolly: No, no; compare like with like.

MR HUMPHRIES: No, no. You are not comparing the full year. You are comparing the first six - - -

Mr Connolly: You are not prepared to face these figures. This is the greatest weasel I have ever heard.

MR HUMPHRIES: Mr Deputy Speaker, I know that the Minister does not like this but - - -

MR DEPUTY SPEAKER: Order! This is a debate. Mr Attorney, you will have the chance to respond in due course.

MR HUMPHRIES: Mr Deputy Speaker, the Minister continues to compare only the first six months of the last financial year with the first six months of this financial year. He cannot do that. He cannot make that comparison and expect to have it go across the board for all cases of car theft in the Territory. The fact of life is that there is no significant indication of any reduction in the rate of car theft as a result of those analyses of those figures. As I said, the rate of offences, which is his preferred term apparently, for 1992-93, at least for the first eight months of that year, is 130 offences per month. Obviously, it is possible to draw almost any silver lining from any set of figures, and I would suggest, with respect, that the Minister is very quick to do that in these cases; but it is not possible to do that reasonably and accurately in this case. There is no indication of there being a decrease in car theft, and the Minister must compare the full yearly rate with the first - - -

Mr Connolly: Compare like with like.

MR HUMPHRIES: Indeed. That is what I argue he should do. The Minister has referred to the document from which he quoted in the Assembly last week, or from which he drew his answer last week. The indications in that are very clear. I quote from the front page, which is all that has been tabled of that document. It states:

With the exception of TINS ... and traffic arrests ... demand (incidents reported) and activities have shown increases ranging from about 5 per cent to 85 per cent.

With the exception of motor vehicle theft (12 per cent decrease), -

again over that six-month period -

offences in all selected categories have shown increases.

On a question about burglary, to quote selectively a set of figures about a decrease in car theft is designed to be misleading. It is designed to tell the Assembly that we have this good news. This is the Mr Berry line; it is all good news - "Don't you worry about that. We are going to sort this out because we have good news to tell you". The fact of life is that there is not much good news. The good news is just not there. You should be telling the Assembly, Minister, with all alacrity and all the forthrightness you can muster, that the situation in the ACT as far as crime is concerned is a very serious one and it needs to be addressed by this Assembly, and by this Government, as a matter of priority and urgency.

Mr Deputy Speaker, the second matter on which the Opposition bases its motion of censure concerns comments made later in that same question time by the Minister concerning burglary rates in Australia. The Minister was asked in the question in the first place about burglary, and he said in answering that question:

... the simple fact is that housebreaking increases around Australia.

If we thought he might have been generalising here, meaning increases generally, he was more specific and went on to say:

... every government in Australia - Liberal Party, Labor Party, and National Party in the Northern Territory - has faced and continues to face steadily consistent increases in rates of housebreaking.

That is what he told the Assembly. He used that assertion to create the impression that our burglary rate in the ACT, a rising burglary rate - I think there is no dispute about that - stood favourable comparison with what was happening with burglary in other States. Those assertions, Mr Deputy Speaker, just were not true. Members have seen the figures produced by the Australian Institute of Criminology - I will table them if necessary - which indicate that burglary generally in Australia is coming down. The national rate of burglary has declined. (*Extension of time granted*) The decrease in burglary across the whole country between 1990-91 and 1991-92 was two-and-a-half per cent.

That is in contrast to the comment made by the Minister that housebreaking is increasing around Australia and that every government is facing increases in burglary. That simply is not the case. There are some States where there have been increases, but not comparable with the ACT's increases; in some States there have been small increases. On the other hand, there have been States where there have been quite sharp decreases. There has been a 1.73 per cent reduction in New South Wales, a 6.77 per cent reduction in Victoria and a 15 per cent decline in South Australia. There has been a very large reduction in burglary rates in those States.

The point is that burglary in the ACT is rising, and it is rising, on the most recent figures, 13 per cent a year. I acknowledge at this point that there are no figures available for the Northern Territory, so it is conceivable that we might not be the worst; but unless the Northern Territory comes in very badly we are going to be far and away the worst State in Australia. Our rate of home burglary in the ACT per head of population now exceeds that of New South Wales. The Minister has worked very hard to argue that our comparison should be with places like New South Wales and Victoria. Well, he has finally succeeded. We now have a burglary rate in the ACT which exceeds that of New South Wales, and that is a matter, I think, Mr Deputy Speaker, of disgrace.

The figures I have been quoting as far as burglary is concerned deal with burglary generally; that is, all burglary. There are slightly different figures for burglary of dwellings, and there is some confusion about whether the question was about burglary of dwellings or burglary in general. The figures for the whole of Australia show a 1.3 per cent reduction across the whole of the country. That is a slightly better figure, from the Minister's point of view, than 2.5 per cent, but equally the figure for the ACT is rather worse. Whereas our rate of increase in general burglary is 13 per cent, for burglary of dwellings it is a massive 20.4 per cent.

I suggested to the Minister that our rate of burglary was growing at double the rate of other places. Obviously, that was wrong. Obviously, the rate of growth in the ACT is way above the Australian average. There is a 1.3 per cent decline nationally and a 20.4 per cent increase in the ACT. He told the Assembly that housebreaking is decreasing around the country. He told us that every government is facing increases in housebreaking rates, and he implied, by making those statements, that our rate of burglary stood up very well by comparison with those other places. That was not accurate. It is, I would respectfully argue, Madam Speaker, a symptom of a continuing problem on the part of this Minister in facing up to the reality of crime in the ACT.

This is not the first occasion that he has - perhaps "misled" is too strong a word - had to come back into this place and correct earlier impressions he has given about the rate of crime in the ACT. Members will recall that he pooh-poohed the idea put forward by the Liberal Party in the middle of last year that our rate of armed robbery might be up. "Oh no", he says, "that is just banging the hollow drum" - or he used some other expression, whatever the vogue expression was six months ago. In fact, armed robbery was up and he had to come back to the house and admit as much. That, Madam Speaker, leaves us in the position of having to say at some point that this Minister must stop attempting to exaggerate and distort the picture with crime in the ACT. He has a duty on him not just to present the bare facts but to present the whole picture. I would respectfully suggest, Madam Speaker, that he has not done that and on this occasion he deserves to be censured for it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.39): Madam Speaker, I think Mr Humphries's closing remarks just about summed it up, where he said, "Perhaps 'misled' is too strong a word". The comment of his, that now that he is in opposition he is honest, comes back to haunt him from time to time. Those remarks at the end of a censure motion really demonstrate what a weak censure motion this is.

Your attack is, as far as I can follow it, on two fronts. Firstly, you claim that I misled the house in relation to motor vehicle theft. You have tried to twist and pull and turn and fiddle with those figures every way you can, to demonstrate that car theft is going up. The fact is that car theft is coming down. I have provided this document to you, Mr Humphries - you have quoted from it - and I have provided it also to some Independents who asked. I will table the document when I have finished my remarks. It has some scribbles on it, though, which I should explain.

Mr Humphries was trying to say that comparing the first six months of 1991-92 to the first six months of 1992-93 might be misleading because they might have been the periods when things were really slow, and that it was the second six months that showed the big increase. Yes, that is a possibility. However, when you look in the annual report you see that the number of offences - again I say that offences are what we record - for 1991-92 was 1,683. That is rather less than double the 886 which was the first six months figure. So in fact the first six months of 1991-92 had a greater rate of motor vehicle theft than the second six months. Therefore, in comparing that first six months with the equivalent first six months, we are looking at the worse end and, on the worse end, we are down by 12 per cent.

We then compare the figures to date, the most accurate figures available to police on offences, which show that there have been 1,042 in 1992-93 compared to 1,151 in the equivalent eight-month period. Mr Humphries divided 1,042 by eight to show the result that motor vehicle offences are currently running at 130 a month. He is absolutely right. What he failed to do was to divide 1,151 by eight - that is, take the equivalent period and divide it by the equivalent number of months. The answer there is 143. So the rate of motor vehicle theft - dividing the number of offences to date by the number of months, and we have only an eight-month period to compare - at the moment is 130, and the rate 12 months ago was 143.

Mr Humphries: On a six-monthly basis, a six-monthly comparison.

MR CONNOLLY: No, on a year to date basis. The most accurate figures available to us show that there have been 1,042 offences reported as at 5 March. In the equivalent eight-month period for 1991-92 there had been 1,151. You were quite happy to divide 1,042 by eight to get 130 and to say that the rate is at 130. The equivalent exercise for the previous six months would have given you a figure of 143. You went off and compared the incidents and you divided incidents by eight or 12. As people keep saying at the Estimates Committee, you cannot compare apples with lemons or oranges with apples or whatever; you must compare like with like. You acknowledged that in your speech today. If you look at the six-month periods you get a decrease, or if you look at the year to date figures you get a decrease. No matter how you twist and turn with these figures, Mr Humphries, you get a decrease.

The fact is that there is a decrease in the rate of motor vehicle thefts. I do not know how you can take from those figures any other conclusion. We are currently running, with the most up-to-date figures, at about 100 fewer offences than we had in the equivalent period in the previous financial year. Our rates are decreasing. So the first leg of your argument is just a hollow nonsense. I would have thought that the Liberal Party could have said, "Well, look, we were wrong". The Government says, "We were wrong" from time to time when we are wrong. I have no difficulty in saying, "We were wrong" when I am wrong but - - -

Mr Humphries: I forget the last occasion.

MR CONNOLLY: Perhaps it is not very often that I am really wrong, but when I am wrong I am prepared to come in here and say that. In relation to the armed robbery statistics, you will recall that I did come in here and say that I was wrong, and I explained why I was wrong - because the assistant commissioner produced a document, which again I tabled in this place, which showed that there had been some confusion in relation to the way the police had advised me in relation to the police reporting periods. The fact that I had indicated that armed robberies were running slightly below the previous financial year when in fact they had been running slightly above the previous financial year was as a result of police information. I came into this place and made that abundantly clear. As soon as I became aware of that figure I was prepared to come in here and say that. When I get it wrong I am prepared to say that I was wrong.

I would have thought that the Liberal Party could have said, "Well, look, we got it wrong. We were misinformed. We got information. We thought it was accurate, but we accept that it was wrong". Instead of that, we saw this sort of weaseling attempt to turn white into black, to turn night into day, to show that figures which show a reduction in fact show an increase. Madam Speaker, they do not. Nobody believes that they do - apart perhaps from Mr Humphries. So the arm of attack in relation to motor vehicle theft must be dismissed.

Then we come to burglaries. Mr Humphries, on this, towards the end of his statement, does not say that I misled the house.

Mr Humphries: Yes, I do.

MR CONNOLLY: No, he said that "misled" is too strong a word. He says, "You could have got an impression from what Mr Connolly was saying that he was trying to gild the lily". Madam Speaker, we should go back to the context of the question. Mr Humphries was asking me questions about housebreaking. The reason I referred to figures for motor vehicle theft was to make the point that housebreaking has been seen in recent years as an endemic problem around Australia. My statement was that all governments had faced or are facing increases, and that is correct.

Mr Humphries: You did not say "had"; you said "are".

MR CONNOLLY: Have or are; have and are. The figures from the Institute of Criminology that Mr Humphries tabled, I think - certainly he produced them to me yesterday - show that, if we take a three-year period, and I will take a three-year period because the *Canberra Times* was touting a 20 per cent increase over three years and we were debating how that compared, New South Wales had a 2.6 per cent decrease, which is a very good result, Victoria over the three-year period had a one per cent increase, Queensland over the three-year period had a 33 per cent increase, Western Australia over the three-year period had a 13 per cent increase, South Australia had a 4.5 per cent decrease, and this is the best result, Tasmania over the period had a 16 per cent increase, and the ACT over the equivalent period had an 8.9 per cent increase. So we have varying results around Australia, but it is significant, as Mr Humphries notes, that there has been a reduction in at least two States. I did not acknowledge that in the answer to that question; perhaps I should have.

It is significant that New South Wales has started to turn the tide. It is perhaps significant that it is New South Wales because they were also the first to turn the tide on motor vehicle theft. Why did they do it? Why has motor vehicle theft turned around in Australia? That was why I made the point originally. It has turned around because we are acknowledging that we have to make it harder for people to steal motor vehicles. We have not turned motor vehicle theft around because we have more police on motor vehicle theft squads. We have not turned motor vehicle theft around because we are having a higher rate of arresting people for motor vehicle theft. We have turned motor vehicle theft around as a nation because it is now harder to steal cars.

The point that I have been making, and have been making for 12 months, and that the police make, is that we are not going to turn housebreaking around until we make it harder for people to break into houses. Again, I have made the point repeatedly. If you look at New South Wales, the NRMA tell us that last year about 40 per cent of houses in New South Wales had deadlocks and window locks. It is less than 20 per cent in the ACT. We know that it can be very difficult to get a policy of insurance in - - -

Mr Humphries: It is beside the point, isn't it, Terry?

MR CONNOLLY: No, this is precisely the point, Mr Humphries. We acknowledge that we have a problem with housebreaking. The level of increase in break-ins in the ACT does fluctuate. Taking that three-month comparison period there, we have an 8.9 per cent increase compared to some States which are better and some States which are worse.

If we look again at that sheet that Mr Humphries provides, it goes back to 1973. I will run through it to show how ACT figures fluctuate wildly. Taking 1973 as a base, we have a decrease, then another decrease, then a big increase, then an increase, then an increase, then a decrease, then an increase, then an increase. Then, in 1981-82, compared to 1982-83, there was a massive increase of over 50 per cent. Then there was a decrease, then an increase, then a decrease. Then there was a dramatic increase of about 30 per cent. Then there was a decrease, then an increase, then an increase, then a decrease, then an increase. If you look at - - -

Mr Moore: *Hansard* is going to love that, hoping that they are going to get all the right numbers.

MR CONNOLLY: It does not matter; they will get the context if they do not get every one right. The fact is that crime figures in the ACT, given a relatively small base, have shown over years wide fluctuations, but the trend in the ACT has been a steady increase in housebreaking. The trend over Australia up until very recently has been steady increases. The two States that are showing decreases over a comparison period of three years - New South Wales and South Australia - have perhaps two different answers. In New South Wales we know that the targets are tougher. In South Australia, under a Labor government, it is probably because they are adopting a crime prevention strategy that is far more advanced than we have here. But both strategies - toughening the target and crime prevention - are strategies that this Government is adopting to get on top of the problem of crime.

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We have never sought to dismiss the fact that we have a problem with crime in this Territory. What we have tried to do is put it in a calm and rational context of debate and to say to the community, "Yes, we have a problem with housebreaking and we have to, as a community, come up with a response to that problem". The response to that problem is not the sort of hysteria that the Liberal Party loves to indulge itself in.

Mr Humphries: It is drawing attention to the facts; putting the facts on the table.

MR CONNOLLY: We saw, Mr Humphries, the sort of propaganda that your party was putting out during Federal election campaigns - the old lady frightened at the door, the gun pointed at people on the front page of that brochure - - -

Ms Follett: An old Liberal Party member.

MR CONNOLLY: Yes, an old Liberal Party member, it turned out, in a suburb which, I think we showed from the last time suburbs were published, was probably the safest suburb in one of the safest cities in Australia. The rate of incidents of break-in, on the figures that Mr Humphries produces, in the ACT remains at the second lowest in Australia. I must say that I am surprised that Sydney is lower. I do not think the average lay person would think that Sydney is lower. It is odd to think that Hobart is a more dangerous city to live in, in relation to housebreaking, than Sydney, but we accept the veracity of these Institute of Criminology figures that have been tabled. What they do show is that all States have shown increases in recent years.

I do acknowledge that we are seeing some rays of hope in relation to housebreaking, but that is only because we are getting, in other parts of Australia, a strategy in the community of working with the police to prevent housebreaking and that - - -

Mr Humphries: So not all governments are facing increases.

MR CONNOLLY: All governments have faced increases. Some governments have the fortunate position in the last three years of seeing some decreases. That is a good thing and I am very - - -

Mr Humphries: "Every government ... continues to face steadily consistent increases in rates of housebreaking".

MR CONNOLLY: Mr Humphries, you have dropped your bundle. You thought you had me on motor vehicle theft figures, and now you are scraping around at the bottom of the barrel for this sort of thing. You can get an implication from this, you said, that I tried to gild the lily.

Mr Humphries: Did you just say that or did you not say that, Terry?

MR CONNOLLY: Mr Humphries, the fact is that you are wrong on motor vehicle theft and you do not have the decency to admit that you are wrong. You do not have the decency to admit that the figures show that motor vehicle theft is running below motor vehicle theft in either the equivalent six-month period or the equivalent eight-month period. Whatever way you look at it, motor vehicle theft is down. The factual material which I put to the Assembly is absolutely correct and has been confirmed by the police.

In relation to housebreaking, I have never tried to get away from the fact that we have a problem with housebreaking in the ACT. We are not alone on that. If you run through those figures you have taken, and I am happy to take these figures of yours as the basis for the debate, across Australia over a three-year period you see a range of figures. We have an increase in that three-year period of 8.9 per cent. A number of States have much larger increases. Some States - New South Wales and South Australia - have a decrease, and I commend them for that. We can start to see a decrease in the ACT if we change the way we, as residents, approach household security. We simply have to get to a situation in the ACT where we have window locks and deadlocks fitted. If we try to live in a fool's paradise - that we are a country town and that the police will solve all our problems - we will continue to have increasing levels of housebreaking. We cannot rely on the police alone to solve the problem of housebreaking. We have to have a community response to it.

Madam Speaker, this censure motion, which was emblazoned on the front page of the *Canberra Times* on Sunday in relation to motor vehicle theft - that I would be censured for misleading the house in relation to motor vehicle theft - has been a fizzer because the facts in relation to motor vehicle theft show clearly that that offence is running below previous levels. We have turned the corner on motor vehicle theft and that is a good result, but Mr Humphries cannot bring himself to concede that and continues to try to twist the figures to suggest that there is an increase. There has been a decrease. He then tries to mount an attack on me in relation to housebreaking. We have a problem with housebreaking. It is a continuing problem. We have seen over the years in Canberra that we sometimes go up and we sometimes go down, but in recent years we have shown a steady increase. Other States have shown increases but are starting now to show some decreases, which is a pleasing thing. We can do that, too, if we take a community approach to crime prevention. That is why I originally got onto motor vehicle theft figures. I was not intending to come in and make some sort of statement about motor vehicle theft; I was trying to put in context a sensible and rational approach to the problem of housebreaking.

You, Mr Humphries, and the Liberal Party, have never come up with a sensible suggestion in relation to this. You rant about fights against crime; you rant about law and order, as your party does around Australia. You never come up with a sensible approach. The sensible approach, Mr Humphries, is that we can get on top of housebreaking, as we have got on top of motor vehicle theft, if we toughen the targets. That was the point I was making in the debate and that is a point that sensible members, when they consider problems of crime and law and order, should direct their attention to.

MR STEVENSON (3.55): It obviously is not all that easy to follow all the statistics that have been given and the portions of the year they have been given for. One of the major difficulties we have, as Mr Humphries mentioned, is that we do not have the monthly figures. What would give the best indication is the monthly figures over the last two years, not just for six months of this year. The suggestion that they should not be published to burglars may have some credibility, although I did hear Mrs Carnell mention earlier that they were published in Neighbourhood Watch bulletins. I would certainly like to - - -

Mr Connolly: For individual suburbs. We let individual suburbs know what is happening from time to time, as other States do.

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MR STEVENSON: It probably would not be all that difficult for someone involved in the profession to get hold of the different suburbs' figures or to ask someone else to duck along and get them for them.

Mr Connolly: If there is a bloke in a striped shirt in the back of a Neighbourhood Watch meeting he tends to stand out.

MR STEVENSON: Exactly. But there is never a reason why such figures cannot be released to members of this Assembly. It is a different thing. As representatives of Canberrans, we have every right to see those figures, and many others. If there are confidential matters, they can be indicated and members in this Assembly can pay - - -

Mr Berry: Would observe the confidentiality?

Mr Connolly: The way Kate got the health briefings. The press release is written after the meeting.

MR STEVENSON: It is a matter of discussion on that. I am sure that if members gave their word on a particular situation it would not be a problem. It is important. We see today the difficulty of trying to make a decision on crime statistics when you do not have relevant crime statistics. A couple of questions arise. First of all, Mr Connolly mentions that there are more incidents reported. I have had reported to me such incidents relating to all sorts of crimes. The person reporting the incident finds out later on that the car is not missing, the child has not been abducted, et cetera. What Mr Connolly did not do was tell us what the difference was, and that should not be difficult. How many incidents are reported initially and how many of those finally become offences? Without that figure it is a bit hard to make any decision on the two of them.

Another question is that Mr Connolly was not asked about car thefts; he was asked about burglaries. From a reading of the *Hansard*, he did not answer that question. Perhaps if he had answered the specific question none of this may have arisen - certainly none of the information about car thefts. Mr Humphries quoted Mr Connolly as saying in relation to burglaries:

This figure of a 20 per cent increase must be taken in context. It is over a three-year period.

Mr Humphries went on to say:

... it is more correct to say that burglary has risen by 24.5 per cent in the last 18 months in the ACT alone?

I do not know. Mr Connolly did say something about there having been about a 20 per cent increase over three years, and that is about 6 per cent a year. It is actually closer to about 7 per cent a year. If you are going to pick "abouts", it is closer to seven.

It is relevant to compare six months, but it is also relevant to mention the latest full year. Mr Connolly also mentioned earlier, "We give these figures for a full year and that is how we tell what is going on". So, in answering any question on crime figures it would be reasonable, as he mentioned earlier today, to give the figures for a full year so that we know what is happening. By all means, as we

are halfway through a financial year, or a little bit more than that, give the financial year figures relevant to a year ago, but do not omit the yearly figures which differ from the overall impression that Mr Connolly was getting across. The reason why he picked car theft when that was not the question asked was obviously in order to present a particular picture about crime. If he presented various other figures we would find that other crimes are increasing in the ACT. So is it relevant to pick out one and not give a fair indication of the actual figures? As I said, it is difficult to tell with the entire debate. I look forward to hearing Mr Humphries's summation of what Mr Connolly has said and the various points that have been brought up.

MS FOLLETT (Chief Minister and Treasurer) (4.01): Madam Speaker, a motion of censure of a Minister is a very serious matter indeed. We on this side of the house will always treat a censure motion as perhaps the most serious statement that the Assembly can make about the performance of any one of us, whether Minister or member. I was amazed therefore to hear Mr Humphries, at the commencement of his remarks on his censure motion, say that he did not consider that Mr Connolly had deliberately misled the Assembly, and to say at the end of his remarks that perhaps "misled" was too strong a word to use in relation to Mr Connolly's actions. It does indicate to me, Madam Speaker, that Mr Humphries is certainly not convinced that Mr Connolly warrants censure on this matter. I would remind members that the motion Mr Humphries has moved is, "That this house censure the Minister for police for misleading it as to the incidence of crime". So it is a very broad-ranging motion that Mr Humphries has put forward.

Madam Speaker, I believe that Mr Connolly has explained to the Assembly the circumstances surrounding the figures he provided on motor vehicle theft in response to a question last Wednesday in this Assembly by Mr Humphries. Mr Connolly has clearly covered that ground. Quite clearly, he did not mislead the Assembly. The accuracy of the figures was confirmed by the Chief Police Officer yesterday, and that should have been the end of the matter, in my opinion. Mr Humphries has shifted his ground a little bit to take in housebreaking, and in his motion has shifted his ground to embrace the incidence of crime - all crime, presumably. So, clearly, he does not feel very strongly that he has a good case against Mr Connolly.

Madam Speaker, on the broader question of crime in the ACT, there is no doubt that there has been a general increase over the past few years - by "the past few years" I mean five years or so - and that is to be expected. It is my understanding that all States and Territories, particularly the major cities, have experienced similar increases. I am aware also, or Mr Connolly has advised me, that one or two areas are making some inroads to reduce that increase in crime, and, of course, that has to be the object of the ACT Minister for police as well.

If anybody has any doubt about the figures, one has only to look at the comparative figures that are compiled on a regular basis by the Australian Institute of Criminology to see how different States and Territories are faring. I would advise Mr Stevenson to take that course of action.

Madam Speaker, a comparison of crime statistics is not the be all and end all of the debate on community policing and community safety. The statistics, I believe, are very cold comfort indeed for the victims of crime. The statistics do not address in any way how we as a community feel about crime or how we propose to go about addressing crime. This Government is taking a longer-term strategic approach to

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these issues, an approach which will address matters such as the resources that are allocated to fighting crime and to preventing crime, to perceptions and fears about crime compared to actual criminal activity, and the role that the whole community can play in confronting crime and containing and preventing crime.

A review of policing in the ACT is being undertaken by the Attorney-General's Department, Treasury and the Australian Federal Police. This review will identify the functions performed in relation to ACT policing and the associated costs and resource allocations. Based on that information, there will be an assessment made of how police services should be provided and the appropriate level of resources. Among other things, the review will address the need for a detailed statistical database on crime and on criminal activity in the ACT to better inform this continuing debate as to its true level and the impact that crime has, both on the Government and on the community.

Additionally, Madam Speaker, an integrated community safety and crime prevention strategy for the ACT is being developed, principally by the Attorney-General's Department and the Australian Federal Police, but also with major input and cooperation from all relevant government agencies. This strategy will address all aspects of crime and will aim to develop initiatives and programs to counter both criminal activity and the fear of crime. A significant component, in keeping with the Government's approach to major policy development, will be widespread community consultation on how the community views crime, what they would like to see done, and, perhaps more importantly, what they themselves are prepared to do about it.

Madam Speaker, far from any censure that should be directed at Mr Connolly, I believe that members can quite clearly see that we are addressing fundamental issues underlying crime in the ACT, and that we propose to develop and implement significant and cost-effective programs to address these issues. Mr Connolly, as the Minister for police and as Attorney-General, is at the forefront of these initiatives. Very far from misleading the Assembly - an assertion which I find, as I said before, very shaky indeed, not to mention being too trivial for a censure motion - Mr Connolly is proceeding to clearly identify the true situation as it develops in the ACT and also to address the underlying issues in a comprehensive and strategic fashion.

Madam Speaker, I put it to members that the issues surrounding the statistics have been effectively addressed by Mr Connolly, and also by the Chief Police Officer. Mr Connolly is addressing the question of crime in our community, as he addresses all of his portfolio, with energy and with vigour, and with dedication. I would have no hesitation in saying to members that Mr Connolly has my total confidence as a Minister and that nothing I have heard from Mr Humphries or Mr Stevenson has shaken that confidence. I urge Assembly members to reject this motion.

MS SZUTY (4.08): I must say first, in rising to address this censure motion, that I am surprised that there has been only one speaker from the opposition benches on such an important motion. Mr Humphries set out in his opening remarks that there were two issues that he wished to address, the first being the car theft issue and the second being the burglary issue. Mr Connolly, in his remarks, addressed both of those issues, too, in sequential order.

To start with the car theft figures, those presented by Mr Connolly for a six-month period were official Australian Federal Police figures provided by Assistant Commissioner Dawson. I have seen a copy of that correspondence, from Mr Connolly and from Mr Humphries. There is no doubt that the car theft figure for 1990-91, according to the AFP report, was 1,479, and that for 1991-92 it was 1,683 in that same AFP report 12 months later. That is the full picture for that period. However, the Minister did provide the Assembly with more up-to-date figures, and his representations on those reflect very much the line that he took in presenting them to the Assembly. I do not have any difficulty whatsoever with those figures.

The question of burglaries is perhaps a slightly different issue. The Minister said in this Assembly, in response to Mr Humphries's question:

... the simple fact is that housebreaking increases around Australia.

That seemed to imply that in fact we were simply in line with every State or Territory in the rest of Australia. Mr Humphries, in his remarks in representing the average figure, a weighted average figure across Australia, gave the impression that we were quite seriously out of step with those figures.

In considering the Australian Institute of Criminology figures that Mr Humphries provided me with, I had a look at the comparison between 1990-91 and 1991-92, and in fact the trend across Australia is all over the place. Mr Humphries did cite the figures for New South Wales, Victoria and South Australia, where the rate of burglary seems to have declined, but he did not cite the figures for Queensland, Western Australia, Tasmania and the ACT, which have gone up. Those rates vary quite substantially. The Queensland increase has been 6 per cent over 12 months; the Western Australian increase has been 2.5 per cent over 12 months; the Tasmanian increase has been a whopping 16.5 per cent over 12 months; and it is indicated that there is a 12 per cent increase in burglaries in the ACT at the moment. Mr Humphries has referred to Mr Connolly's perhaps selective reference to the burglary figures that he has cited in this Assembly. We could also perhaps accuse Mr Humphries of being fairly selective with the information that he has presented to this Assembly.

On balance, Madam Speaker, in terms of the evidence that has been presented today, I will not be supporting the censure motion. However, I would say that in the case of the burglary statistics that Mr Connolly presented he could perhaps have been a little bit more fulsome in explaining those figures, and perhaps could have got back to Mr Humphries, as he said he would do, according to the uncorrected proof *Hansard* from last week, with more accurate figures than he had available to him at the time.

MR CORNWELL (4.12): Madam Speaker, this has been a rather difficult censure motion to address because we are all dealing with figures on which people can put various interpretations. That has been fairly obvious from the approaches adopted by members of the Government, the Independents and the Liberal Party. I certainly have some concern about the remarks, specifically in relation to burglary, judging by what the Minister is already on record as saying. Among other quotes, there is this one:

... the simple fact is that housebreaking increases around Australia.

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Then there is a further quote:

... every government in Australia - Liberal Party, Labor Party, and National Party in the Northern Territory - has faced and continues to face steadily consistent increases in rates of housebreaking.

I do support the view that that implied that our own ACT burglary rate stood favourably in comparison with the other States. It did not give me any enthusiasm that in fact our rates were better from the point of view of law enforcement. Then we have the *Canberra Times* article today which states that Canberra burglary rates are escalating.

It is unfortunate that the Government, when they are addressing these matters, Madam Speaker, generally opts out or cops out on the argument that if there are any problems in relation to any area of their responsibility - this is particularly so in terms of policing and crime - it suddenly becomes a community problem. Mr Connolly is on record on 24 October last year, as I am sure he will remember, when we had a look at break-in figures. What did Mr Connolly say about it? He was reported as saying that the high break-in figures are a community problem, not a police problem. The report continues:

Concerned by yesterday's high figures -

this was back in October, I would remind you -

he said the days when Canberra could be considered a country town and back doors could be left open were gone ...

We would all agree with that. The report went on:

Many Canberra homes had become soft targets -

goodness gracious! -

people should consider deadlocks more seriously - and those that had them should use them.

That is all very well, as a community problem, but it is also your responsibility, Minister, as the Minister for police, to ensure that the community do not have to turn their houses into fortresses.

Mr Connolly: Yes, I think you will see that I say that.

MR CORNWELL: You do have to address the problems that beset this Territory in relation to providing a sufficient police presence. I am very concerned, and you might like to take this matter on notice. Madam Speaker, in view of what was said during question time, I hesitate to raise these questions because I am fearful of being rebuked by the Attorney-General for using figures. They are not monthly figures, I grant you; they are six-monthly figures. That worries me because obviously there will be all sorts of criminals out there who will be noticing what I am saying and no doubt directing their attention to the areas that I do not refer to or the suburbs I do not refer to in what I am about to say. The fact is that the *Canberra Times* today said that Lyons had the worst result, followed by Turner, Monash, O'Connor and Narrabundah, in terms of burglaries.

What I would like to know, Minister, is what you people, the Government, are doing about this? What actions are you proposing to take? Furthermore, and perhaps this is where the Chief Minister's reference to this review comes in, have you made any assessment as to why suburbs such as Lyons, Turner, Monash, O'Connor and Narrabundah were the hardest hit? Is there any reason why they should be apparently selected at random by the criminals for the highest rate of burglary? I would be interested to hear your explanation.

Mr Connolly: They all have high Housing Trust - - -

MR CORNWELL: What was that, Minister?

Mr Connolly: I was just wondering whether you were questioning their high Housing Trust tenancies.

MR CORNWELL: The Minister says that they have high Housing Trust - - -

Mr Wood: No, he did not say that.

Mr Connolly: I am questioning whether that is what you are suggesting.

MR CORNWELL: Well, he raised the question. I simply acknowledge it. I would be most interested, Minister, in the response that you give. No doubt this will come out in the review, or at least I hope it does, because otherwise the Government is hardly addressing this problem in a realistic and responsible manner. This is the whole problem with the Government's response to Mr Humphries's censure motion - that they attempt to obfuscate; they attempt to use their own figures or interpret the figures the way that they would like to, when in fact there is very clear evidence on at least one count, in my opinion, and that is the burglary statements, that misleading information has been provided.

We must, in this Assembly, take such matters very seriously. I am aware, Madam Speaker, that the Government Ministers face great problems. Some face greater problems than others in handling their portfolios. There is a particular difficulty, which I think any fair-minded person would recognise, and that is the number of portfolios that each Minister is obliged to administer. I can understand the difficulties there. The option, of course, is the fifth ministry, but the Chief Minister has not indicated yet whether she is prepared to accept that. We know that there is at least one member of her - - -

Ms Follett: You are applying for a job, are you, Greg?

MR CORNWELL: No. We know at least one member, Chief Minister, of your back bench who is absolutely champing at the bit for that opportunity and - - -

Mr Humphries: Is it Annette, or Ellnor? Who is it?

MR CORNWELL: In fairness, I do not wish to offend the ladies by not mentioning them, Mr Humphries.

I can accept the problems that you face but that does not alter the fact that you have a responsibility to get on top of your portfolios and not come in here making misleading statements, misleading the Assembly on issues of importance to the community. It is our job to make sure that you do not mislead, and Mr Humphries's censure motion is therefore entirely proper. You may wish to

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belittle it, but that is understandable, given your sensitivity on such issues; you do not like being caught out. Although you are a minority government, you have the attitude that you should be able to get away with virtually anything in this place, or get away with everything. Well, you cannot do it. We are not prepared to allow you to get away with coming in here and making statements which subsequently prove to be misleading. If you do that on each and every occasion we on this side of the house will move censure motions against the Minister concerned. This is our role, our responsibility, and we certainly will not be resiling from it.

MR MOORE (4.21): Madam Speaker, to continue Mr Cornwell's approach on the role and the responsibility, I think it is really important that we take very seriously what is occurring here. By the levity of the debate today, by the lightness of the debate, one would have to be concerned about whether or not a debate on a censure motion is taking place in this house. Madam Speaker, I want to quote from *House of Representatives Practice*. Talking about censure motions, it says:

The effect of carrying such a motion against a Minister may be inconclusive as far as the House is concerned as any further action would be in the hands of the Prime Minister -

in this case we can relate that to exactly the same process, to the Minister and to the Chief Minister -

but parliamentary pressure has caused the resignation or dismissal of Ministers on a number of occasions.

They refer to those occasions. This particular section, Madam Speaker, on page 346, starts with these words:

From time to time a specific motion of want of confidence in, or censure of, a particular Minister ...

When we are talking about censure we are really talking about a want of confidence in a Minister. We are talking of the Minister as we would if we had a want of confidence motion - a no-confidence motion, in other words - in the Chief Minister. We are not talking about a government coming down, but we are certainly talking about a situation where the Assembly, were it to support this motion, would be saying, "We think that this Minister is incompetent and should be removed" or "We think that this Minister has been competent in some ways but has done something that is so dastardly that he ought to be removed from his portfolio". That is why, Madam Speaker, when there is a motion of censure before the house, whether it be of a Minister or of a member - it has occurred in this house to a member, as I recall - it is a matter to be taken particularly seriously.

I put that perspective, Madam Speaker, to make sure that members understand exactly what we are talking about. For Mr Humphries to rise and start his speech by saying what he is not doing, that he is not suggesting that the Minister set out to mislead the Assembly - - -

Mr Humphries: Deliberately.

MR MOORE: Deliberately mislead the Assembly. Madam Speaker, if I believed and if I felt that it could be shown that Mr Connolly had deliberately set out to mislead the Assembly, or even had inadvertently misled the Assembly and then was not prepared to correct it - by not correcting he then is effectively deliberately misleading the Assembly - I would support such a motion.

In Mr Humphries's concluding comments he said that perhaps "misled" is too strong a word. Madam Speaker, if "misled" is too strong a word, then it is an inappropriate motion. We have used terms before that are softer than "censure". Perhaps instead of being a censure motion it may have been a motion to reflect a slap on the knuckles for the Minister. Perhaps there is some room to slap Mr Connolly on the knuckles for the way he is using the statistics to put a brave face on an awkward situation. He is entitled to do that, Madam Speaker. It is a politically standard procedure that we try to put the best light on something, but I must say that in this Assembly it has not tended to be the practice. In this Assembly people have tried to present things broadly and openly, as they are, and I think that that is something that we should try to continue to do.

That was the weakness, perhaps, I would argue, of Mr Connolly's approach to that question at question time. But, Madam Speaker, at best it is a weakness of approach. I think that none of us would deny that Mr Connolly is entitled, should he so wish, to put the best possible face on a situation. He was asked a question about one thing and he answered about something entirely different, and I think that if we were to look carefully at the standing orders we would find that that was inappropriate. But once again, Madam Speaker, his attention was drawn to that during question time by Mr Humphries and to a certain extent, as I recall from reading the *Hansard*, the Minister did come back on track to try to make the point that a defensive mechanism or a crime prevention system, such as is used on cars, should be applied to houses. That is a sensible way to argue, by comparison. So he could argue that this was the reason for presenting the issue in this particular way.

Madam Speaker, the first and most important thing is that for a censure motion to be carried the matter has to be particularly serious. To mislead the house is particularly serious and is grounds for a censure motion. It certainly has not been shown today that the Minister has misled the house. He gilded the lily perhaps. He presented things in the nicest possible light, yes. They are fair criticisms and they are political criticisms. They are the sorts of interjections and the sorts of criticisms that one can make in dealing with this issue in later times.

Mr Berry: We would all be dangling somewhere, Michael, if it were a hanging offence.

MR MOORE: Precisely. Of course, Madam Speaker, I would never have gilded the lily on anything. I would never try to put the best possible light on anything. Heaven forbid, Madam Speaker. It seems to me that the other question we face is the question about lies and statistics, and how you use statistics. There is no-one living in Canberra who does not recognise the way statistics are used, misused and abused within the whole spectrum. Madam Speaker, there have been suggestions today that the spectrum has been twisted a little and shoved a little both ways. I think the suggestions about how those statistics have been used are accurate in some ways, but they are not grounds for a censure motion.

Madam Speaker, if we have censure motions on matters that are not serious, then the system that we have and the system that oppositions have for taking Ministers to task will be whittled away. It is very important that we have the ability to express our lack of confidence in a Minister if we consider that that Minister has failed in his duty, either by not performing or by attempting to mislead the house in some way or other. For those reasons, Madam Speaker, I will not be supporting this motion of censure of Mr Connolly.

MR HUMPHRIES (4.28), in reply: Madam Speaker, to conclude this debate which - - -

Mr Berry: Just say, "I give up". That would be easier and we will get onto something else.

MR HUMPHRIES: No, I never say, "I give up". That is never my approach. I must say that I am disappointed that there are some here who do not believe that a high standard should be set on these questions and who, acknowledging, notwithstanding, that some embellishment or gilding of the lily, or whatever the expression was, might have occurred, do not feel that they are able to support this motion. Perhaps, as future Ministers in future governments, such people might feel that it is good insurance for them to say things without quite so much care as might otherwise be the case.

Madam Speaker, I believe that the censure motion ought to be carried by the Assembly. I want to make reference to a couple of comments made by other members in the debate before I conclude. The Chief Minister contributed by saying that I did not think Mr Connolly had deliberately misled the Assembly and, therefore, what was the point of a censure motion. I think that Mr Moore summed up very well the basis on which to proceed in those circumstances. It is the case that people intentionally or unintentionally - more often unintentionally - mislead the Assembly or parliament by saying certain things. In those circumstances, it seems to me, it is appropriate for a person to acknowledge a mistake if they have made one. If they make an honest mistake but then will not admit it and will not acknowledge it, that I think is grounds for censure. Mr Connolly, in my view, has made a mistake, and I would give him the credit of saying that it was an honest mistake, but he does not admit to it being a mistake at all. That, of course, presents a difficulty. The Assembly has to decide whether it is a mistake and whether it appears to be a mistake, and it appears as if it is going to decide that it is not.

Ms Follett and other speakers also, I think, misunderstood or misheard what I had said about saying that "misled" was too strong a word. I think the *Hansard* record will clearly show that I made that comment in respect of Mr Connolly's remarks about armed robbery last year. I was going to go on to say that Mr Connolly misled the house about armed robbery. I withdrew from that and said that perhaps "misled" is too strong a word because he did come back and correct what he had said; but the fact is that he did tell the Assembly the wrong thing about armed robbery - he has admitted that - and he came back to this place and corrected it. So I am not suggesting that "misled" is too strong a word. In general, what I am saying in relation to that particular case is that, because he corrected it, it was too strong a word.

There was also a suggestion from Ms Follett that we had shifted ground from car theft to burglary in the course of the motion. I made it perfectly plain from the outset of the debate that I was talking about both car theft and burglary. I do not think Ms Follett was in the chamber, or she was not listening when I said that.

Ms Follett: Yes, I was.

MR HUMPHRIES: Well, I have my notes here and you can have a look at them. You will see when the *Hansard* comes out that I clearly said at the very outset that I was talking about two things, not one; but that is a small point.

I am also disappointed, I must say, with the suggestion from Ms Szuty that I have been selective in the use of my figures on burglary. My remarks, as again the *Hansard* record will show, indicated quite fully that we believed that the figures across the country on burglary were down; that there were places where there had been a quite steep decline, whereas the ACT had led the nation in terms of increase; and I also produced the figures on that question to Ms Szuty and to other Independent members and to my colleagues - and, indeed, to Mr Connolly. I produced those figures in full. I did not selectively quote them. So I think it is, with respect, unfair to suggest that in some way I did not produce the full set of figures; I did. I quoted every figure, every document that has been produced to me from the Australian Institute of Criminology. I think it is regrettable that that suggestion was made.

The point being asserted by us is that you cannot use six-monthly figures to draw any conclusions about a full year's figures; that a full year comparison must be made. The best way of doing that is by taking monthly rates, working them out across a year and then comparing them with a progressive monthly rate for individual months. Mr Connolly does not take the point, but I maintain that that is a standard which we ought to be setting and maintaining in this Assembly as a standard to which all Ministers ought to be adhering. If I am setting too high a standard for this Government or for the Assembly, that is very unfortunate, but I would hope that it is a standard to which members of my party could adhere if they were on those benches.

As far as the question of burglary is concerned, I think the Minister was sort of saying that he did not say on 24 March that all governments were continuing to face steady increases in housebreaking. Well, I can only say that the *Hansard* record from which I have drawn my comments clearly says:

... every government in Australia ... has faced and continues to face steadily consistent increases in ... housebreaking.

If he had admitted that he had not seen the figures and had said, "Look, I was wrong about that", I would accept it; but, again, the Minister does not do that. He maintains, apparently, that everything he said on that previous occasion was correct. Retreating behind bland assertions, irrespective of whether they are well based on the facts or not, is a device that I suppose any government is entitled to use; but, with respect, it is not the best way of producing open, accountable and accessible information from governments, and I am certainly disappointed that that should be the case. The motion, Madam Speaker, I think ought to be passed, but I hope that, in putting this forward - - -

Mr Wood: You have said that about six times but you have not had any depth or anything.

MR HUMPHRIES: I know that you are breaking your neck to talk about dogs, Mr Wood, and you will have a chance very soon, but I maintain that this motion should be passed. I hope that the standard we try to set today will be a standard to which Ministers adhere in future, irrespective of whether the motion passes or not.

Question resolved in the negative.

DOG ATTACKS **Discussion of Matter of Public Importance**

MADAM SPEAKER: I have received letters from Ms Ellis and Mr Stevenson proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Ellis be submitted to the Assembly, namely:

The need for ACT citizens to be free from attack, or fear of attack, from dogs.

MS ELLIS (4.36): Madam Speaker, it is with some regret that I rise to speak today on the important matter of dog control and the right of all ACT citizens to be free from attack and the fear of attack by dogs. Last Friday, Madam Speaker, a young girl was viciously attacked by two dogs in Kambah. The girl is still in hospital, I understand, undergoing treatment, and I gather that the incident could have been a lot worse without the quick actions of some nearby residents. Since the incident I have been told of several other similar incidents which have occurred throughout Canberra over a long period.

I simply do not accept that fear of attack from dogs is something that all residents of the ACT have to put up with. The right of our community to walk safely through their streets and parks is fundamental to the quality of life we enjoy in Canberra. Last year, Madam Speaker, this Government increased penalties and tightened the legislation pertaining to dog control. I think that we all thought, or at least hoped, that this would severely reduce the incidence of dog attack and the number of stray and unregistered dogs. Despite this increase, however, dog attacks are continuing and still less than half of Canberra's dog owners have registered their dogs. Unfortunately, it appears that these dog control laws are not enough and I understand that the responsible Minister, Mr Wood, will be examining, as a matter of urgency, further ways to prevent incidents of this kind.

Madam Speaker, it distresses me that this review is necessary. As a dog owner myself, I find it intolerable that responsible and loving dog owners could possibly suffer due to the irresponsible and, in some cases, cruel actions of a minority of dog owners. Many dogs become part of a family. Many dogs provide a source of comfort and companionship to the sick and elderly, and I believe that they have a legitimate role in our lives.

There are several points which I believe are fundamental to proper and appropriate dog control in the ACT. The Government obviously has the responsibility to enact laws and to enforce such laws, but the community also has very big responsibilities. Firstly, there is the registration of the animal. Madam Speaker, it is essential for the security of the animal and the responsibilities of the owner that registration occurs. If the kids leave the gate open and the animal member of the family escapes, registration gives an opportunity for a reunion of that family.

Secondly, Madam Speaker, there is the acknowledgment by the owner or owners of the responsibility they have accepted in owning the dog. This responsibility includes providing loving and caring control of the dog, a sense of his or her own wider responsibility to ensure the safety of the community, and a knowledge of the role and expected behaviour of domestic dogs as pets in a city. Without that acceptance, I do not believe that those owners have the moral right to place an animal under their so-called care.

Thirdly, there is appropriate training of the animal. Madam Speaker, by no means do I suggest that Rover must be the latest star of the dog food advertisement, but the animal should certainly be trained to a basic level of control. This would ensure that the dog is controllable by the owner at all times. Fourthly, appropriate housing and fencing is required. If you do not have adequate fencing you should not have the dog. Priority one must surely be to erect a secure fence and to train the kids to keep the gate shut. These fundamental objectives for responsible dog ownership can be difficult to achieve if there is little or no consideration given to the appropriateness of the breed of dog for life in an urban environment, or the role the dog is trained for in this environment.

Madam Speaker, I have already referred to the recently enacted changes to the dog control laws. These changes were made because the Government recognised the need to enforce more strongly the need for some irresponsible owners to care for their dogs in the proper manner. These laws are in place to ensure that owners do not let their dogs roam, thus allowing them to do everything from knocking over garbage bins and digging up gardens to viciously attacking members of the public. I am more than disappointed that members of our community have this appalling idea that they can go out and buy a dog and then not care what it does or where it does it. This happens despite the owner's knowledge, in most cases, of these strict laws and with a complete disregard for other members of their community. I think that we in this Assembly may have been naive to believe that the changes to the dog control laws last year would force those in our community who need to change their behaviour to do so.

Quite obviously, Madam Speaker, we now have no choice but to make the laws very harsh to protect the innocent in our community, to ensure that the owners of dogs are responsible and to ensure the safety of the dogs themselves. However, in order for such harsh penalties to be effective, I believe that a dramatic increase in the staffing levels and funding of the dog control unit is necessary. I take this opportunity to call on the Government to immediately address the need to employ more patrols throughout the ACT. I suggest that the Government employ whatever creative means it has at its disposal to cover this gap in dog patrols as quickly as possible. No level of fine, no matter how high, no

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level of penalty, no matter how harsh, has a hope of being effective if we have a limited ability to enforce the law in the first place. Madam Speaker, this has been proved over the past few months, during which time very strict measures for dog control have been in place. Serious complaints have continued.

Madam Speaker, I understand that there have been meetings between government and community today to find further ways of tackling this problem. I am pleased that there has been such a quick reaction following this latest terrible incident. I am also pleased to see that government and community can come together to discuss the problems that exist and the options available to solve these problems. I know, as a member of this Government, that we are committed to do whatever we have to do to fix the problem. The members of our community who flout these laws must be brought to task.

Mr Cornwell: Well, why are you up there talking about it?

MS ELLIS: You did not listen to the first part, Mr Cornwell, so you might not understand the second part. I take this opportunity to strongly urge the community to enter into this dialogue in the interest of solving this community problem. I look forward, Madam Speaker, to the day when we can all feel free from attack or from the fear of attack from dogs in the ACT, and I encourage all members of the ACT community to work together towards that goal.

MR WESTENDE (4.43): Madam Speaker, I do not expect that anyone here would disagree with Ms Ellis's sentiments expressed in the MPI today. However, I find it rather curious that a member of the Government would raise this in this way. The best thing for the Government to do is to take action, and it is my impression that Mr Wood is taking those steps. I am particularly pleased to see that Mr Wood is consulting widely on the matter. I believe, from his public statements, that he will be proposing much tighter controls. I also understand that Ms Szuty will soon be proposing her amendments to the Dog Control Act, and I also have some amendments being drafted at this time. In fact I wrote to the Parliamentary Counsel on 15 February asking for amending legislation. So, as I said, I find it rather curious that we now take up this matter on an MPI.

In essence we all ought to do something about the spate of dog bites and attacks, and the difference between us will probably come down to the strength of our response to the problem. Therefore, with the Minister's amendments, Ms Szuty's amendments and my amendments coming before the Assembly, perhaps even this week, it seems rather odd that Ms Ellis would want to attempt to debate the matter today. Is it that she is attempting to steal the thunder from those who have already taken steps to address the issues of this quite complex matter? The only effective way of debating this matter is to put forward a strategic plan that confronts all the issues involved and proposes solutions. All that, I would have thought, will be dealt with in the debate on the amendments to the Dog Control Act.

Ms Ellis: I have not seen the amendments, so I do not know.

MR WESTENDE: I cannot help it if the parliamentary draftsman, since 15 February, has not given me any amendments. If I were in government I would certainly have had them, I can assure you. I have said that I agree with the sentiments of Ms Ellis's MPI, but as to the substance of it I am not so sure.

It is virtually impossible to free ACT citizens from attack or fear of attack from dogs. While we have dogs, that risk will always exist. In many ways the dangers of dogs are taken for granted. For instance, we tend to focus on hunting and fighting dogs as being the greatest threat, and that is probably fair enough. Yet all dogs have fangs and all dogs bite. They bite for all sorts of reasons. Even the quietest dog can bite.

Madam Speaker, the only way to free citizens from the fear of attack from dogs is to keep dogs off the streets, to stop them roaming freely. They should be confined to the backyard, and when exercised, taken for a walk, they should be on a short leash. I personally believe that those that are of an attacking kind should be muzzled. I would at least like to have this avenue explored. I am a great believer in prevention being better than cure. Maybe here we can do two things at once. Maybe we could solve the problem by giving dog control jobs to some of those people that are now engaged otherwise, such as, for instance, the paper picker-uppers, and give their jobs to the youth unemployed. It is simply not worth the risk of having anyone, let alone a young person, being bitten and scarred for life. Fines will not stop dogs biting or attacking. Keeping dogs on a leash will not stop them attacking. Impounding them will not rehabilitate them. It is too late after the dog has attacked.

I believe that the solution rests with the owners, and owners simply must become responsible for their dogs. They must be made to be responsible if they cannot take that on themselves. All dogs simply must be registered, and the fines for not doing so must be heavy. I would like to see all dogs, and indeed cats, identified by a microchip. This is encased in silica glass. It is about one millimetre by two millimetres. It is inserted painlessly between the shoulder-blades. It cannot be seen. It is permanent and it is biologically inert. Breeders use them and the pound has equipment to read the inserted chip to identify owner and address. This is a virtually foolproof way of registering a dog and making the owner accountable. The action to take against dogs that attack should simply be, in the first instance, to identify whether the dog is registered. If the dog is not registered it should be put down immediately. If it is registered it should be impounded until action is determined. Madam Speaker, we will never totally free people from the danger of dogs while we have them, but we can certainly be much stricter in the way we keep them.

Finally, Madam Speaker, we must increase community awareness and knowledge of the various breeds of dogs so that people really know what they are taking on when they acquire one, for whatever reasons. I believe that Petcare have a book that they are making available to schools and which lists those breeds of dogs that are more likely to attack than others, and maybe we should educate the people more widely. We have to educate the people to realise that little cuddly, fluffy pups grow into adult dogs, often with different characteristics. They also lose their appeal and often become neglected as a result. This can and will result in behaviour problems that can lead to the problems we are talking about today.

This is obviously a matter that requires the cooperation of the whole community, and I am sure that we can have that. Personally, I would love to have a dog, but I believe that it is neither fit nor fair to leave it alone all day, or alone when one goes on holiday. If we could get all the people to be more considerate it would certainly have a large impact on the number of dogs that people acquire and, as a consequence, the number of attacks would decline.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.50): Madam Speaker, I thank members for their contributions thus far. I was a bit surprised by Mr Westende's concern about Ms Ellis's speech. I think he misunderstood it. I believe that there is a genuine bipartisan approach here. I think we are all concerned about the attacks and we all want to take strong measures to see that they do not keep happening. I am delighted that I have been able to talk recently to Ms Szuty and Mr Westende as we all seek means to improve the situation. They have come up with constructive ideas. I understand that Ms Szuty will be tabling something tomorrow in private members business. Mr Westende has also indicated that he will take this path.

The last attack has perhaps overtaken things just a little. On each occasion that there is an attack my level of anger rises, as I am sure that of my colleagues does. We are, I think, getting so angry that we are taking stronger and stronger action. Today I organised a meeting of the responsible dog owners, I suppose, and that denotes some sort of problem in that perhaps that is the wrong group to talk to in some ways because they are the ones who take care of their dogs.

Mr Cornwell: Who else do you talk to, Minister?

MR WOOD: Who else do I talk to? I think Mr Westende has said it. He said that owners must take responsibility. He went on to say, if I understood him, that if they do not take responsibility we must take strong action to see that they do. Unfortunately, we have to take that strong action. I think both sides of the Assembly agree that we do not want to impose restrictive or punitive measures in ideal circumstances. We would wish not to take steps like that. Unfortunately, there seems to be an element in the community, in so many areas, for whom we must legislate to ensure that control is maintained.

I am appalled by the attack on Friday. It has aroused my anger beyond the level it was at before. The situation is simply not satisfactory. It is reprehensible that people cannot walk safely in their neighbourhoods, and that is what is happening. Since March 1988 there have been 76 reported attacks by dogs. I do not know what the number of unreported attacks would be, such as where someone has been bitten by their own dog in their own backyard or a neighbour's dog in their own backyard. I should think it would be double that again. I will give you an indication of what the statistics tell us, but I draw a caution there. German shepherds, German shepherd crosses, Rottweilers and bull-terrier crosses accounted for over half of those attacks. I do not want to label the German shepherd, but that is also a very common breed. You expect, as it is a large animal, that it is going to occur more frequently in the statistics. Maybe it would be more significant if we looked at some other animals that are less common and that are biting more often. Of those 76 attacks, 37 were by unregistered dogs.

I have been advised that the dogs involved in the attack on the young girl on Friday have now been destroyed. I believe that that was done with the agreement of the owners, as, at this stage, it would need to be. I am sure that this will be a great relief to the injured child and to the rest of the local community. We estimate that there are 55,000 dogs or thereabouts in Canberra and we know that only about 18,000 are currently registered. This, as members have said, is intolerable. It is required that people register their dogs. We have taken strong

measures to encourage them to do so, and we have taken gentle measures to encourage them to do so, and still it does not seem to be working. I will not go through the advantages of registering a dog, but there is a responsibility on the owner to do so.

The point that has been made is valid; that to undertake ownership of a dog means many things. You undertake a serious responsibility. You have to feed it and exercise it. You have to be able to maintain its good health and to see that it has appropriate living conditions. Unfortunately, some people do not maintain all elements of those needs. Among other things, it is important that the dog is trained to be safe. This goes even for some seemingly inoffensive breeds. People should, when they acquire a dog, if they do not have the skills already - and most do not - see that they go to a dog obedience class and have their dogs trained. It was for that reason that we gave concessions to owners whose dogs had been through an obedience class when it comes to registering their dogs. We recognised the value of that.

I indicated that I met a group of people today - the RSPCA, the Canberra Kennel Association, representatives of the obedience club, police, and my own officers - to try to come up with solutions to the problem, and there are difficulties ahead. We want to try to control the number of dogs in the community, and that is easier said than done. We are going to go down that path of reducing the number of dogs that are roaming the streets and ensuring that dogs do not attack people. I mentioned earlier the statistics on dog attacks. Unfortunately, while many people do report attacks, many still walk away from giving the evidence in court that is necessary to ensure a prosecution. People whose neighbour's dog has bitten them will, in many circumstances, say to the police, "Look, I am not going to help in a prosecution. I have to live with these people. I like these people and I do not want to see them punished. We have come to our own settlement on this". They agree to accommodate it in some way or other, and they do not proceed.

I might say also that there has been a level of generosity or humaneness in the way the dog control unit has acted. Often they will take a dog back to its place and put it in the yard. They will ring up the owners or leave a note on the door, saying, "We have your dog", or "We have brought it home instead of taking it to the pound and thereby incurring a cost". They are decent, humane people who have a regard for the owner of the dog. However, I have now told them to become tougher; that if dogs are out they have to be impounded. Sorry, no second chance. If your dog is out, off it goes.

Ms Szuty and others are working towards legislation to say that, if a dog that is out, or any dog, has attacked someone, it will be put down, almost mandatorily. There will probably be a clause allowing some other consideration, but it will be assumed that the dog will be put down if it has attacked someone, and so it should be. We are going to be tougher in respect of dogs that attack other dogs. Lately they have been pretty flat out in the unit, running prosecutions, and we have not launched prosecutions in any significant number, if at all, when one dog attacks another dog. Often there are difficult circumstances there. Perhaps one dog might start the attack and finish up worse off. However, we will certainly look at that matter. In the case of these dogs that were just put down, it was clearly established that they had attacked a Labrador which died as a result. We would launch a prosecution in that event.

We are toughening our own approach. As part of that approach I will, on Monday, increase the number of people in the dog patrol unit by one. I freely concede that we do not have enough people there. At the moment we have four officers on patrol. That will become five. There are other support staff in the office. The telephones run pretty hot and they are kept very busy, but the number of staff will go up. I hope that we will be able to do more than that in the near future because that is an important part of our thrust.

MR DE DOMENICO (5.01): Madam Speaker, as Mr Wood and other speakers have said, this issue is non-party political, as it should be. I stand briefly to mention some of the things I have heard from some dog lovers I have spoken to over past months, and also from some of the people who have been affected by dog bites. I am one of many people, I dare say, who walk early in the morning through my suburb. There are times when life is frightened out of you when all of a sudden you hear a great big Rottweiler barking. There is one close to my place. I sometimes wonder what would happen if that dog got out from behind the gate. They are obviously untrained.

Perhaps some drastic measures ought to be taken. Some people might tend to think that drastic measures are not needed, but after what happened in Kambah the other day we need to think about whether there is an oversupply of both pedigree and crossbred dogs. Assuming that there is an oversupply of dogs, what are we doing to control the breeding? Is there a requirement to control breeding? I believe that there is. Perhaps we ought to be thinking of things like licensing the breeder; making sure that the Government licenses the breeder and not the Kennel Association. Perhaps part of that licensing agreement must include follow-up action by the breeder with regard to a suitable purchaser, and perhaps the breeder must make sure that the property is suitable for an animal to be living in.

Obviously, a Great Dane is not the type of dog you would leave in a flat. There are other types of dogs that we should be looking at, such as the Afghan hounds, the German shepherds that Mr Wood mentioned, the Rottweilers and the Dobermans. Whether a suburban backyard in Canberra is a suitable place in which to hold a Rottweiler, a Doberman or a German shepherd is something that we need to look at. Perhaps another thing we should be looking at is having a strict quota of licensed breeders. Once again, do we have too many people out there that have a Great Dane in the backyard that might cross-pollinate, for want of a better word, with the German shepherd next door? All of a sudden you have 18 little dogs, call them what you will, that you have to get rid of on a Saturday afternoon, and in goes the ad to the *Canberra Times*. All of a sudden you have this flurry of four-legged canines all over the place. Perhaps the best way to stop four-legged canines is to surround them by four trees and then they would not have a leg to stand on. Anyway, a strict quota of licensed breeders is something that perhaps - - -

Ms Ellis: That is an old one.

MR DE DOMENICO: I tried to put a bit of mirth into a very serious debate. Perhaps we ought to consider registering the breeding stocks and keeping a register of the sales. Pedigree could be departmentally issued to a breeder as part of a licence fee. There may be a requirement for non-licensed breeding stocks to be desexed. Purchase from pet shops is something we need to look at.

Should it include a desexing cost, or should a component of the animal purchase price be refunded when desexing has been done, verification being by way of a veterinary certificate? Perhaps payment of a desexing fee at the time of purchase is something we should look at. Perhaps we need to think about whether we should make the seller of the dog make sure that the animal is looked after, particularly dogs such as Great Danes, Afghans and so on.

Perhaps we should think about whether there is a necessity to have dogs like bull-terriers. Notwithstanding the statistics that Mr Wood gave, people have experienced, or seen, what a bull-terrier can do, especially one that has not been trained. One wonders whether we should be allowing people to keep those sorts of dogs in the ACT. I believe that the pit bull-terrier should be banned. Perhaps that is harsh, but I say that it is more important to protect the well-being of the people than it is to allow things like bull-terriers to run around. It is obviously not the dog's fault. Let us be honest; it is the owner's fault.

There are other things that we should do, notwithstanding that there are financial limitations, and the Minister has quite adequately covered those. We should enforce the Dog Control Act, which I believe is a very good piece of legislation, albeit that Ms Szuty and Mr Westende are intending to bring in their own legislation. As I said, perhaps we should be licensing the owner instead of licensing the dog. We are aware now that two-thirds of the dogs that run around in the ACT, which obviously belong to somebody or other, are not registered. Mr Westende mentioned the use of the microchip. I think that is a good idea. That is something we should be looking at. Perhaps we should be looking at mandatory tattooing if we are not into the high-tech microchip. Another area that perhaps we should be looking at as well is educating young children at school as to the responsibilities of keeping a dog. It is ironic that we make it mandatory for children to go to school. Perhaps we also should be looking at making it mandatory for all dogs to be sent to some sort of training.

Heavier penalties have been mentioned by Mr Wood, Mr Westende and Ms Ellis, and I agree with that as well. Unregistered dogs that bite, like the two dogs that Mr Wood was alluding to from Kambah, should be put down. That is harsh and drastic, but it is necessary. If a person is injured and requires medical assistance, quite obviously the owner of the dog that bites ought to be paying for the medical expenses.

Whilst in bed this morning trying to get rid of this flu, I was listening to the Julie Derrett show and insurance was mentioned. Quite rightly, the question was asked: What insurance company in its right mind is going to insure anybody who has a dog that is not registered and is breaking the law, for a start, and who in their right mind would register or insure pit bull-terriers and savage dogs of any type? We could look at the insurance situation. If we are talking about adequate training and fencing, do we need to contemplate allowing people with dogs to have front fences as an added protection? That is something, as I said, that we should be looking at.

Madam Speaker, I think this is a bipartisan issue. It is an issue that is of concern to a great number of people, especially when they read the tabloids and see the savage attacks that occur from time to time. As do others in this Assembly, I want to be able to walk along the streets of our beautiful city unhindered and unbiten by dogs. This is a perfect opportunity for this Assembly to get together and make sure that we have the best dog legislation in this country.

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MS SZUTY (5.08): Madam Speaker, I do not believe that I need to address this MPI today at length because, as members are aware and as the Minister is aware - he referred to it in his remarks - I will be presenting the Dog Control (Amendment) Bill 1993 tomorrow morning during private members business. The amendment Bill is very much about the issue of attacking dogs, and I will be delighted to elaborate further on the issue in my presentation speech tomorrow morning.

MADAM SPEAKER: I believe that the discussion is now concluded.

Sitting suspended from 5.09 to 8.00 pm

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MRS GRASSBY: Madam Speaker, I present report No. 5 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on this report.

Leave granted.

MRS GRASSBY: Report No. 5 of 1993 contains the committee's comments on 13 Bills and eight pieces of subordinate legislation. I commend the report to the Assembly.

ADOPTION (CONSEQUENTIAL AMENDMENTS) BILL 1993

Debate resumed from 25 March 1993, on motion by **Mr Connolly:**

That this Bill be agreed to in principle.

MRS CARNELL (8.01): Madam Speaker, this Bill puts into effect changes to the Artificial Conception Act 1985, the Birth (Equality of Status) Act 1988, the Children's Services Act 1986 and the Testamentary Guardianship Act 1984. All of these changes are required as a result of the passing of the Adoption Act 1993. The Liberal Party will be supporting this Bill.

MS SZUTY (8.01): I appreciate the opportunity to speak to the Adoption (Consequential Amendments) Bill 1993 in the context of the report from the Standing Committee on Scrutiny of Bills and Subordinate Legislation which has just been circulated to members. I refer members to the comments in the report which concern the Adoption (Consequential Amendments) Bill and most particularly the commencement provisions. This Assembly worked hard in passing the Adoption Bill, which we did last week. The Scrutiny of Bills Committee has drawn attention to the commencement provisions of the Adoption (Consequential Amendments) Bill 1993, which provide that both Bills be passed into law at the same time. The committee has drawn attention to the fact that a hiatus period may occur if the Minister does not enact both pieces of legislation at the same time. I draw that to members' attention.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.02), in reply: I must commend Mrs Carnell for probably the most positive contribution from an opposition member in a debate in this Assembly. It was very beneficial in its brevity.

Mr Cornwell: You are now going to spoil it, are you?

MR CONNOLLY: No. This Bill normally would have been debated at the same time as the Adoption Bill. It was presented at the same time as the Adoption Bill. It merely changes some references to the adoption law in other Acts. Until the Adoption Bill was passed we did not know whether other changes and a renumbering would be required, so we thought it best to bring this Bill on the week after the Adoption Bill.

Ms Szuty's point is well taken. While we have passed the Adoption Act, it has not yet commenced. It is the Government's intention, of course, to commence the two at the same time. Although we have not yet formally commenced the Adoption Act, we have commenced taking applications under it, so that the public are able to put their applications in. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

VIOLENCE AGAINST WOMEN - NATIONAL STRATEGY Paper

Debate resumed from 25 November 1992, on motion by **Ms Follett:**

That the Assembly takes note of the paper.

MS SZUTY (8.04): Madam Speaker, I am pleased that the issue of violence against women has not been allowed to fall off the national agenda with the passing of domestic violence legislation in the 1980s, and that there is a recognition at the national level of the depth of problems facing society as a whole in its treatment of women. Addressing the problem of violence is one of the cogs in the wheel of change that we as an Assembly have been working on in the passage of many of the Bills that have come before us, and indeed in the consideration of the report of the Community Law Reform Committee.

What is often espoused is the desire of legislators to see a more caring society where the needs of the varying members of the community are met. One of the most important challenges facing us as a community is the general issue of violence. Last year we had described examples of violence in Civic which the Attorney-General witnessed first-hand. Members voted to pass an amendment to the Crimes Act 1900 to ban fighting in public places, in an effort to control violent behaviour. We live in a society where violence appears to both fascinate and

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alarm us. We have violence in our entertainment on television, which is another issue that has been taken up recently at a Federal level. We have had political campaigns which highlight the feelings of terror felt by many in the community who feel that they are potential victims of violence.

Against this background, we need to address the issue of violence on several fronts. Many measures are being taken to lessen the occasions of violence in our society, but each night on the news we are greeted with yet another death, yet another violent attack, or a focus on overseas conflicts. All of these acts described are in fact acts of violence that affect women. Whether as victim, survivor, relative or friend, women are affected every day by violence. Men are also affected and are often the victims, but I feel that I have the support of a large body of research when I state that, by far, women suffer the consequences of societal violence more often than men. So it is important that at this time we have a report such as this, the National Strategy on Violence Against Women.

The problem would appear to be endemic. In August last year the Australian Society of Sex Educators, Researchers and Therapists was told by a Newcastle psychiatrist who works with domestic violence and incest offenders that one in three men abuse their partners sexually, financially, socially, physically or psychologically. Another speaker at the sex educators conference, a social researcher, admitted that so-called SNAGs, or sensitive new age guys, are few and far between. The speaker, Hugh Mackay, said that Australian males have great trouble coming to terms with women's changing roles. He said:

Most Australian men are clinging to fading hope that it will go back to how it used to be.

The issue is more complex than just returning to some idyllic pastoral setting, as the rosy picture most hold as the "good old days" never really existed. This is particularly true in relation to domestic violence. There has always been violence against women, especially in those societies that have always viewed women and children as possessions. At the very beginning of the second paper in the "Violence Today" series of the National Committee on Violence, the project manager, Jane Mugford, stated:

All societies have public mythologies to which a majority of their members pay at least lip service. In our society one myth concerns "families" and "homes". In this myth a family together in its home is a warm, supportive unit, a "haven in a heartless world". Of course the myth is not completely false ... But the family has a multi-faceted nature. It is an agency of social support, and has negative as well as positive features.

In this context of the nuclear family women can suffer a series of abuses and have society fail to recognise them because these acts are perpetrated by their closest relatives and friends. To date, victims have often been blamed for attracting violence. This doublethinking means that society holds women responsible for certain of their actions identified by their aggressors as provocative, while not holding men responsible for their violent behaviour. It appears that only in the arena of personal relationships do we hold these two views without seeing their inherent conflict of logic.

The National Strategy on Violence Against Women itself brings forward a set of propositions that need promoting in the wider community to redress old notions of the rights of men to be violent against women. These are:

violence against women can never be justified;

violence against women cannot be attributed to the effects of alcohol;

violence against women is not caused by environmental factors;

violence against women is not a product of unemployment -

all of which are corollaries of the first proposition -

violence against women is a social issue, not just an individual problem; and

violence against women is a manifestation of the historically unequal power relations between men and women; it reflects the inferior status and the paucity of respect afforded women.

The strategy makes a statement which I feel must be the starting point for all further treatment of the issue, and that is:

To be effective, strategies aimed at the elimination of violence against women must be based on facts, not myths.

I am pleased that the objectives of the strategy give a good framework on which to start building with this very simple notion that facts and not myths should drive any attempts to reduce violence against women. It is, however, sad that after several years of domestic violence legislation in Australian States we still have as the first objective:

To ensure that all women escaping violence have immediate access to police intervention and legal protection which prioritise safety for the woman, safe shelter, confidential services and the longer-term resources needed to live independently and free from violence.

That objective should have been achieved with the States' and Territories' domestic violence legislation. The fact that it has not, and that after incidents of domestic violence women continue to feel under pressure to lay charges and to take responsibility for the charging of the offender, is a damning indictment of our systems for dealing with violence. This pressure often makes it impossible for these women to feel that they have the protection of the law and safety.

Indeed, it is often remarked by police that a major frustration in dealing with domestic violence is that women who have been assaulted are reluctant to testify in court or prefer charges. The fact is that they do not have to prefer charges; the police do. The Domestic Violence Act allows police to charge alleged offenders with assault under the Crimes Act. A reluctant witness is just that - a reluctant witness. We need to work hard on this first objective to ensure that everyone who suffers domestic violence assault not only receives immediate help from the police but does not feel alone and vulnerable when the police have gone and knows that the perpetrator cannot get to them.

An issues paper from the Institute of Criminology entitled "Violence Prevention Today: Rape" by Patricia Weiser Eastaerl stated:

Prevention of rape (which is one form of violence against women) requires increased training and education for police both about sexual assault and its impact on the victim. A high proportion of callers in several phone-ins have reported negative experiences with law enforcement officers. These include not being believed, feeling judged, blamed or ridiculed, treated in an insensitive manner, and talked out of proceeding with charges. [A study by] Cabassi (1990) found that in Victoria police held a more stereotypical view of rape victims ... and that their response to victims is still orientated around what they consider to be indicators of valid rape: prompt reporting by the victim, resisting and emotional distress. Interviews with police confirm their adherence to the myths: that women contribute to their own victimisation and that violence is a natural part of masculinity.

These myths must be challenged, and I give credit to the ACT police, who have already introduced some training for recruits and senior officers with the Domestic Violence Crisis Service to give them a better understanding of the issues involved in domestic violence. Hopefully, their attitudes to rape are more enlightened than those of their Victorian counterparts. I am sure that they are.

This brings me to the second objective, that of changing Australia's attitude to violence in general - a move which I wholeheartedly endorse. As the strategy points out, major behavioural changes have taken place in the past few years on the issues of drinking and driving and of smoking in public places. At the beginning of these education campaigns there was scepticism that Australian attitudes to personal rights to jeopardise one's own health could be changed. John Stuart Mill might have preached the right of people to free will, but in an urban society that must be tempered with a policy of harm minimisation for others. This applies to passive smoking, drink-driving and violence against any particular group - in this case, women.

I do have one concern in this regard which I have stated previously. Drinking and driving, and smoking in public places, are combinations of certain behaviours which are unacceptable. Domestic violence, on the other hand, is not a combination of two behaviours which by themselves are not problematic. People can smoke and exercise their free will to do so, but legislation ensures that they do not affect the amenity of others. Violence is not acceptable, whether combined with personal relationships or not.

The second objective also discusses gun laws, citing quite correctly that the "mere presence of a gun in a home often acts as a constant threat to a woman". Most gun owners are men, and guns are perceived as a male possession inextricably linked with violence, putting many women in an inferior and frightening position, even if no threat has been made. Sensible national approaches to gun control and ownership would be part of changing societal attitudes to violence, and again the ACT is to be congratulated on introducing stringent gun ownership laws.

The third objective is:

To achieve more just and equitable responses by the criminal justice system, which highlight the seriousness of the offences, and to strengthen the authority of the law and its effective and important role of influencing community attitudes and supporting social change.

This is linked with the former objective in recognition of the judicial system as the authority on the severity of offences. The fact that States and Territories in the past decade have passed domestic violence legislation has not changed the practices of the legal system enough to give a clear message that violence against women is not acceptable under any circumstances.

Indeed, much to every woman's horror, in January we discovered that a South Australian judge had, last August, indicated to a jury in a rape in marriage case that it was excusable for a man to use force against his wife if she did not agree to having sex. It is ludicrous enough that in the 1990s we still differentiate between rape by a spouse or partner and rape by a stranger or mere acquaintance. Women have struggled for too long against this element of possession in their relationships. We should not expect our judiciary to carry such biases so far as to comment, whilst summing up for a jury, that violence is acceptable in the domestic context. There has also been a lag: Court sentences and the number of cases prosecuted have been a major disincentive for women to come forward. They have had to rely on the de facto arrangements that give them access to domestic violence orders. These are a good tool in dealing with part of the problem but are no substitute for offenders being treated as they would be for a serious assault against any other person.

It is all good and well to quote legislation that states that domestic violence constitutes a crime under the Crimes Act 1900. As I stated in my earlier remarks, many domestic violence survivors still feel under pressure to charge their attacker and fear reprisal because the current system does not make them feel safe from violence. The police and court system need the direction and support of all concerned groups, including the legislature, to encourage them to prosecute cases of domestic violence and give offenders the strong message that this really is a crime and that it is to be taken seriously. There is still much research being conducted into attitudes towards violence against women; but, while that is the case, it is no support for inaction. A variety of approaches are going to be needed to change long-held prejudices in society. The legal system is one important part of that. The fact is that violence against women is no different from any other act of violence and should not be treated any differently.

This brings me to the fourth objective: Building on existing reforms, policy and program work to improve the status of women. I have identified the change of the status of women in society as being one of the causes of what some see as an increase in violence against women. While it sounds plausible, it does not give an excuse for men to take out personal aggressions against women. As the strategy states, violence against women can never be justified. If some of the people who argue that women can be violent feel that this is pressing the point too far, I would add that violence against any person who is in a weaker position cannot be justified.

I am pleased that this fourth objective has been included, as it almost instructs those coming into the area for the first time not to discard earlier attempts to lessen violence against women. What the debate does not need is changes of emphasis and direction that prevent a clear and coherent agenda from being followed. Men and women need to be educated about the violence that has been perpetrated against women, but this process cannot be constantly changing and taking different directions. There has been a level of education going on in the public arena for many years. Although many expressed despair at the findings of the 1988 study "Community Attitudes Towards Domestic Violence", which found that one in five men thought the use of physical violence against his wife acceptable in some circumstances, I submit that a survey taken a few years earlier would have found a much higher proportion who felt it acceptable. The objectives of the National Strategy on Violence Against Women are to be supported and the methods proposed will take the debate further towards a society where violence is not tolerated, particularly against women.

Madam Speaker, the measures outlined by the Chief Minister in her speech when tabling the report are welcome as a start towards some of the recommendations of the strategy. I also welcome the Community Law Reform Committee's discussion paper on the issue of domestic violence and look forward to research the ACT Community Law Reform Committee has commissioned with the Institute of Criminology, aimed at producing suggestions on how to improve the processing of domestic violence cases by police in the courts. I have one concern that I hope members on the opposition benches may take up with their Federal colleagues. (*Extension of time granted*) While the Fightback package makes a commitment to retaining some of the forums which deal with issues affecting women, it does not expressly address the issue of violence against women; nor does it guarantee the future of the National Committee on Violence Against Women. If we are to produce a truly equal society where women are given the same advantages as men, we must address the issue of domestic violence and continue the work that has gone on to date. Madam Speaker, I encourage all members to take up the cause of promoting a less violent society.

MS ELLIS (8.19): Madam Speaker, violence against women is a problem that has existed for as long as our society has existed. However, it has not been regarded as a problem by society as a whole until surprisingly recently. As well, popular opinion has wrongly assumed the causes for this violence, and until recently it has not been regarded as the widespread problem it is - one which covers all areas of society and women from all backgrounds and all ages. For a long time, violence against women was regarded, when it occurred in the home, as a private matter between families. When such violence took place outside the home, it was generally regarded as the fault of the woman for being in the wrong place at the wrong time.

Violence against women was not regarded as a serious crime; in many cases it was not regarded as a crime at all. It took years of work by courageous and committed people to convince governments and society that they must take responsibility for and action on violence against women. In the last 10 years, enormous changes have taken place. The establishment of the National Committee on Violence Against Women in 1990 recognised this fact. However, with the establishment of the committee, it was also recognised that violence against women remains endemic in our society and that a strategy to tackle this continuing problem is vital for the safety and protection of women and for the health of Australian society.

The act of violence against women is most frequently committed in the home or by a man who has at some stage had a close domestic relationship with the victim. These men can be fathers, de facto husbands, husbands, sons, brothers or acquaintances. The crimes are often sexually or emotionally violent and occasionally result in the death of the victim or victims. The act of violence against women by men who are not known to them that results in sexual assault or rape is a crime and is generally regarded as a crime in Australian society in the 1990s. However, the criminal justice system is not yet fully effective in protecting the victims or prosecuting and punishing the offenders.

The effect of both these forms of violence against women is the violation of basic human rights, which are, as the strategy states, the right to life; the right to liberty; the right to personal, mental and physical integrity; the right not to be subject to torture or to cruel, inhuman or degrading punishment; the right to equal protection before the law; and the right to equality within the family. In turn, the violation of these basic human rights results in the victims' inability to participate in, enjoy and contribute to the society that the rest of us take for granted. It results in the women's fear, hatred, loss of self-worth and confidence, shame, and physical and emotional breakdown.

What the Strategy on Violence Against Women has done is to look at how to ensure that women are safe, enjoy equality of opportunity and lifestyle, and have choice in their lives and relationships. We are all aware that women who are the victims of violence by men cannot enjoy any of the above. The five objectives of the strategy demonstrate how this can be done and give a blueprint for us all to follow. The objectives concentrate on changes in the criminal justice system, in general society, and in governments. If followed, women escaping violence will have access to immediate police intervention, safety in the short term, and support and services to ensure long-term independence free from violence.

Women will also have the benefit of more just and equitable responses by the criminal justice system. With more effective responses in this area, society will fully acknowledge the seriousness of the crime of violence against women. As this crime becomes less acceptable in society, so will the act become less common. Men who commit the act of violence against women are cowards. They commit the act only because they believe that women are weaker than them, emotionally, intellectually and physically, and they certainly believe that society considers them to be weaker and less important.

In this regard, the status of women in our society is vital. One of the objectives of the strategy is to ensure that the significant reforms in the area of the status of women continue and improve. When women are finally recognised as equal, violence against them will diminish. It is in this area that the otherwise innocent comments of individuals do send messages that violence against women is acceptable. We must all remain vigilant against such comments and behaviour. We cannot laugh off references to women which depict them in a degrading manner, whether intellectually or physically. Individuals must be made aware that these references are not innocent and can cause great harm.

Madam Speaker, the ACT Government has taken considerable steps towards addressing the problem of violence in our community. There have been a number of recent initiatives which demonstrate this fact and which complement the objectives of the National Strategy on Violence Against Women.

The development of an integrated crime prevention strategy for the ACT is an important step towards the elimination of violent crime. The implementation of consultative mechanisms, such as a ministerial crime prevention council and a community based crime prevention committee, will ensure the monitoring of the implementation of this strategy here in the ACT. It has only recently been recognised that one of the most effective measures against violence in our society is to prevent rather than to cure. The adolescent development program, which has recently been initiated in the Department of Education and Training, provides an effective form of preventative education. Adolescents experiencing behavioural problems, including violent tendencies, are assisted and counselled before their behaviour becomes irreversible and impacts on the wider community.

This Government has also recognised the need to address violence in certain communities. To this end, the Government has provided for a new position for an Aboriginal drug and alcohol worker, who will provide drug and alcohol education, rehabilitation and support services to the local Aboriginal and Torres Strait Islander community. The Government will also be jointly funding an Aboriginal crisis accommodation project, to ensure that Aboriginal people are provided with adequate and safe housing.

I have already mentioned in this Assembly the recent initiatives by the ACT Government which provide extra assistance and protection for women who are the victims of domestic violence. The Community Law Reform Committee's discussion paper on domestic violence is a very important initiative which the whole community will have the opportunity to participate in. The review of the Domestic Violence Act is timely and will ensure that women who are victims of domestic violence will be provided with more effective protection and support. The recent legislation to strengthen police powers in domestic violence disputes also assists in preventing violent crime. The police can now search for weapons in domestic violence incidents. This ensures that any threat of violence, if not eliminated, is severely curtailed.

The National Strategy on Violence Against Women is an important document that sets a plan of action for governments and individuals to follow. We must remain vigilant, as law-makers, to ensure that violence against women is not tolerated. We must also ensure that, as individuals, our own behaviour does not engender attitudes that encourage violent behaviour towards women. If we remain vigilant and continue on the path that has been set by this Government, we will certainly go towards eliminating violence against women.

MRS CARNELL (8.27): I am pleased to respond to the Government's statement on the National Strategy on Violence Against Women. There is no doubt that action is required and a national strategy needed to deal with violence and the impact of violence against women. I feel, however, that in part Ms Follett's statement tended to contain more theory than details about how objectives would be met. Ms Follett's statement could have contained more of how, rather than just why. Hopefully, some of the solutions will stem from the Community Law Reform Committee's discussion paper on domestic violence, currently in circulation. I and the Liberal Party are in total support of action taken to prevent violence against women, action to assist women to escape abuse and to set up the necessary support systems required to enable women to regain self-esteem and return to a more fulfilling life.

Today I am going to raise an issue that I believe is fundamental to the problem of domestic violence, and that is the issue of unemployment. I do not wish to trivialise or politicise in any way the issue of violence against women. However, I have a genuine belief that unemployment has a devastating effect on domestic harmony. Today, therefore, I wish to address that concern. Factors that play an important part in domestic violence are environment and, as I think Ms Szuty adequately put it, attitude. The unfortunate irony is that legislation alone will not solve the problems we face as a community. Attitudes cannot be changed overnight through the actions of any government. Attitudes will alter in time, as the community accepts the fact that violence against women is simply not on, even if some judges, as Ms Szuty rightly put it, definitely need to review their thinking. There is already a greater public awareness that it is unacceptable to use female sex object images or statements. While it may not appear so on some occasions to all of us here, if we compare older films and advertising, a change for the better can be seen. Even though things are changing slowly, they are changing; but we still should not be complacent.

The area that concerns me and others at the moment is the domestic environment. It is well documented that a major cause of domestic violence is related to stress brought about by money problems. The parallel between the rise in unemployment and violence against women is an issue that needs to be taken very seriously. A survey conducted in 1987 by the Office of the Status of Women found that 90 per cent of all violence that occurred against women was perpetrated by their male partner. Given that, together with the fact that the 1986 census showed that 20.5 per cent of offenders were unemployed and 26.2 per cent had employment unknown and probably unemployed, it would be fair to assume that the present increased unemployment would account for significant increases in violence against women.

The Australian Institute of Criminology's National Committee on Violence publication *Violence : Directions for Australia* states that the 1986 Wallace and 1987 Bonney studies of homicide in New South Wales reported that 22 per cent of homicide victims in New South Wales were unemployed. The publication also reported that the Victorian Law Reform Commission advised that persons outside the paid workforce were significantly more likely to have been victims of both fatal and non-fatal domestic assault in that State". In the same publication it was mentioned that 41 per cent of homicide victims in New South Wales were identified as unemployed. The Wallace study showed that 47 per cent of all female homicide victims were killed by their spouse. These details predate our current unemployment crisis. Given that we now have over a million unemployed in Australia - even though Canberra has an 8.8 per cent unemployment rate, which I accept is below the 11.2 per cent national figure - this unemployment rate must surely play a very large role in the domestic stress factor.

The actual number of women who are victims of domestic violence is not known because many attacks are never reported, but it is estimated that 30 per cent of all calls to police relate to domestic violence. I find this statistic totally amazing. The details contained in the discussion paper on domestic violence show that in the 1991-92 year the ACT Domestic Violence Crisis Service received 6,091 calls.

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It is also stated that the problem is worsening. The devastating effect of unemployment and the spiral of frustration and anger surely impact on the harmony of domestic life. It would therefore be reasonable to assume that one of the basic and critical factors that need to be addressed is our unacceptably high unemployment levels. We must look not only at academic solutions but also at the reality. To achieve genuine progress and attack the causes of domestic violence, we must target families where either one or both partners are unemployed. I sincerely hope that any strategy that is developed will address this critical factor.

So far I have mentioned domestic violence against women, which is by far the largest component of all violence against women. However, there is one point that should be added to the six points highlighted in section one of the national strategy report, and that is choice. Women should have the right to real choice in matters affecting their lives. Without choice, women are at the mercy of others and do not have the power and independence to direct their own destiny. This independence will be achieved only by women having access to participation in employment, education and training. Women must have access to adequate child-care and to superannuation opportunities, which will give them true independence and not force them to stay in relationships which are unacceptable or violent. Women must have improved health services and access to affordable housing. But the most important factor is the creation of a healthy economic climate. These things currently are not being focused upon adequately.

May I state again: It is all very well to spend \$3m of taxpayers' money on a national strategy on violence against women, but the mere writing of another report does not save one woman from abuse. We must turn reports into action at a grassroots level. We must not confuse forming another committee, another advisory body, or the like, with actually solving any of the problems associated with domestic violence. Talk must be put into action and the first step is to get unemployed Canberrans and other Australians back to work.

MR STEVENSON (8.35): Recently in the Assembly I spoke of a number of factors that need to be addressed to reduce violence against women. They include problems caused by alcohol, the economic and other factors that work against the family unit, the injustices caused by certain actions of the Family Court, and pornography. There is no doubt that the increasing levels of rape, child abuse and violence will not be addressed unless we look directly at the causes of these increasing factors. There is no single cause that has more effect on violence against women and on child abuse than pornography in its incitement of some males to commit violence.

It was a study by Check and Sommers that established effectively that pornography plays a powerful role in causing physical and sexual violence against women. Check and his associate, Evelyn Sommers, studied a group of 44 women who had suffered severe battering from their partners. They compared them with a group of women who had not been battered. Very clear differences emerged between the two groups. The first question asked was:

As far as you know, how often does your partner read or view Playboy, Penthouse, Hustler, or other magazines of this type?

Some people would refer to these as non-violent erotica. I will give figures first of all for the battered women and then for the comparison group. The answers were: Several times a week - for the battered women, 11 per cent, for the comparison group, none; several times a month - for the battered women, 14 per cent, for the comparison group, 7 per cent; once a month - for the battered group, 31 per cent, for the others, 7 per cent; once or twice a year - 28 per cent each; never - for the battered group, 17 per cent, for the comparison group, 59 per cent.

The next question was relevant to what we do in Canberra. It asked:

As far as you know, how often does your partner watch sexually explicit (pornographic) movies or video tapes?

There is an almost identical comparison with the earlier figures I gave. So they established a clear link between pornography and non-sexual violence. They stated:

A total of 39 per cent of the battered women versus only 3 per cent of the women in the comparison group reported that they had been upset by their partners' asking them to imitate pornography. In addition, the battered women reported much more frequent pornography consumption by their partners than did the women in the comparison group.

Ms Ellis mentioned earlier that, when women are considered as equal, violence will decrease. I agree. She further said that some people in society believe that women are less important and that, while ever that consideration is there, violence will continue. I agree. She said that there should not be a situation where women are degraded. I agree. Yet in this town she and other members of this Assembly have an opportunity to take the most decisive action in all of Australia. What is that action? As members well know, we are the home of pornography in Australia, the porn capital of the nation. (*Quorum formed*)

I have raised this matter in the Assembly before, as have other people, and I will continue to do so until steps are taken to prevent the violence caused to women and children and men that is incited by pornography. A statement by Justice Kearney in May 1989 sums up the matter very well:

People who think there is no connection between pornography and the violent and bizarre crimes that come before the courts ought to do some studies.

I could read out many such statements from judges, from police, from criminologists, from social welfare workers, from lawyers, from people who have been charged with rape and their victims, but that statement sums it up well: Those people who think there is no connection should do some studies. This book, titled *Pornography's Victims*, lists just a few dozen of the cases that were reported to the United States Attorney-General's Commission on Pornography in 1986 - the second most recent international study of the effects of pornography. Again and again, women talked about being treated violently because their husbands or their partners were incited to violence by pornography.

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This report gives a recommendation for Aboriginals and Torres Strait Islanders, and indeed they need protection from violence. If we look at the report of the National Committee on Violence, *Violence : Directions for Australia*, on page 37 they say:

At the community forum held in Brisbane, the Committee was addressed by Ms Judy Atkinson, Director of the Office of Aboriginal Women in Queensland. She reported that domestic violence affects 90 per cent of Aboriginal families living in trust areas of Queensland, and that more women have died as a result of violent assault in one Queensland community alone than all the custodial deaths occurring in the State currently under review by the Royal Commission into Aboriginal Deaths in Custody. The anecdotes which Ms Atkinson related are horrific:

young boys in one community are said to be selling their younger sisters to older boys to pay gambling debts or to buy cans of beer. Young girls from eight years upwards are being sexually misused by adult men (white and black) in return for beer.

Not only are young men raping older women but old men are abusing young girls. In some cases, this abuse is so serious as to require surgical treatment.

A tragic case; and if you read on in this report *Violence : Directions for Australia*, you will find no reference whatsoever to the reason Judy Atkinson gave for the problem. She said that it was X-rated pornographic videos being introduced into Aboriginal communities. One could well ask: Why did the National Committee on Violence include the problems Atkinson listed but fail to include the reason she gave, from her practical experience?

Mr Connolly: Probably because they did not accept the reason. They disagreed with her.

MR STEVENSON: Mr Connolly says that it is probably because they did not accept the reason. That is one thought, and I imagine that there would also be people who say that they do not accept the reasons the US Attorney-General's Commission on Pornography found, namely:

Thus, we conclude that substantial exposure to materials of this type bears some causal relationship to the level of sexual violence, sexual coercion, or unwanted sexual aggression in the population so exposed.

What were they talking about? A category of non-violent materials depicting degradation, domination, subordination or humiliation - a perfect category for X-rated video pornography. (*Extension of time granted*)

The 1988 Joint Select Committee on Video Materials report showed a similar causal relationship. Yet the Attorney-General says, "Perhaps the National Committee on Violence did not believe Judy Atkinson". I tend to differ. I think there was another reason why they left out the reason for the horrendous effects in Aboriginal communities, and it has to do with ideology, not with practicality or concern for women.

We have a situation in Canberra where tomorrow you can walk down the street at 9.00 am, or where children can go into family stores all over Canberra, and be taught how to treat women. Ms Ellis talked about women being degraded, about people considering women not to be important. They are taught that every day when they see women depicted as sexual objects in every one of the communities we live in in Canberra. What have we done about it? Nothing. We talk about spending untold millions of dollars to put band-aids on the problem; we talk about reports that must cost a great deal of money in themselves, let alone the cost of the inquiries. But do we handle the major factor in the increase in violence against women in Australia, in Canberra? No, we do not. We allow our children to be taught from a very early age that women are to be used. We allow them to see magazines showing a naked woman with a dog collar and a chain, down on all fours. Children learn well.

Mr Connolly: No, that is not allowed, Dennis; you know that. You know that that has been dealt with by the censorship authorities.

MR STEVENSON: Mr Connolly says that I know that that has been dealt with by the censorship authorities. What we are talking about is a magazine that appeared for some time on the bookstands. Nothing was done about it initially by the censorship authorities. It was public complaints that caused it to be withdrawn.

Mr Connolly: So it was not allowed.

MR STEVENSON: You have a chat yourself in a minute. I have not long to go. Yet Mr Connolly suggests that that was dealt with. Why are not the X-rated videos in this town that depict child pornography also dealt with? When have you done something about these?

Mr Berry: Child pornography is illegal.

MR STEVENSON: Depictions of child pornography. You heard what I said.

Mr Connolly: If there is child pornography in Canberra, you tell us about it, because it is a serious criminal offence. We will have a police car out there in 10 minutes.

MR STEVENSON: You try again and again to misrepresent what I have said. You know full well the definition of the word "depictions"; "depictions" means depictions. I did not say that it was under-age children; it is women dressed as under-age children. Does that not concern you? Not a word!

Let us look at some solutions that will reduce violence, not just in Canberra but in Australia. We should remove pornography from family stores so that our children are no longer taught that it is acceptable to see women as sex objects. We should prohibit, as does every State in Australia, X-rated video pornography.

Mr Berry: There is no pornography in my family store. Is there any in yours?

MR STEVENSON: Mr Berry must see some humour in this entire question. I think that is unfortunate. We should prohibit the promotion of pornography in its various forms. As well, we should do something about the alcohol problem.

Mr Berry: You are a joke, Dennis. Even the people in Chinchilla realise it.

MR STEVENSON: Mr Berry makes comment after comment, yet when he had time to do something about the pornography in Canberra, about the fact that every State in this nation has banned X-rated video pornography, the fact that - - -

Ms Follett: I raise a point of order, Madam Speaker. Mr Stevenson, I think, is reflecting on a vote of this Assembly.

MADAM SPEAKER: Mr Stevenson, your time is up, anyway. I would caution you not to reflect on a vote of the Assembly in future speeches.

MS FOLLETT (Chief Minister and Treasurer) (8.51), in reply: Madam Speaker, in closing the debate, I thank those members who have spoken seriously about the report before us. I found most of their comments very interesting. I reiterate the comments I made in tabling the national strategy late last year. Could I say right at the start that I believe that the national strategy is an important document because it recognises, as a couple of the speakers have said, that violence against women is endemic in Australian society and that violence against women is a crime. It must be treated as a crime, regardless of the circumstances in which it occurs.

I was interested in Mrs Carnell's comments about the increase in unemployment and whether that is a factor in domestic violence. I think it is probably accurate to say that domestic violence may be one of the range of tragic outcomes, tragic consequences, of unemployment in domestic situations, but I do not know that that proposition by Mrs Carnell has been tested. It is open to us to say that in the ACT, where our unemployment rate is substantially below the national rates, our domestic violence ought also to be below the national rates. I do not think that is the case. You could also say that women are subject to unemployment, and in fact they are subject to it in rather larger numbers than men, for the most part; yet we do not find an increasing incidence of domestic violence by women against men. So I find it hard to support that sort of scenario. There is a range of circumstances in which domestic violence may occur. The fact is that, wherever it occurs, it is a crime and it has to be treated as one.

The national strategy is also very important because it provides directions for governments to follow in order to tackle that underlying culture of violence in Australian society and particularly to tackle it by promoting a universal intolerance of the use of violence. That has to be our aim. These directions for action range from the continued development of comprehensive crisis services and improved training for service providers to the need for community education, and there is clearly a need for that. It is important to note that the strategy was presented to the Prime Minister in October of last year, and it received very strong bipartisan support. The strategy also asks all heads of government to set aside time each year to discuss the national strategy and to make it an agenda item for the newly formed Council of Australian Governments. I raised the national strategy at the inaugural meeting of the council, which was held in December of last year, and the council agreed that governments would give timely and appropriate consideration to the implementation of the strategy's recommendations. I believe that consideration of the strategy at this level is vital to its effective implementation.

In addition, the Ministerial Council on the Status of Women has taken on a monitoring role for the implementation of the national strategy. When this conference meets later this year, in August, I look forward to reporting on the progress that has been made in the ACT. At the present time the Government is giving careful consideration to the directions the strategy has suggested for action. In common with all other State and Territory governments, we are using the strategy as a framework against which to measure our own initiatives in this area. Our initiatives include such legislative measures as the enactment of portability legislation to allow domestic violence orders made in other States to be registered in the ACT Magistrates Court, and amendments to the ACT Crimes Act to allow the police power to search for concealed weapons in domestic violence situations. The Government has also initiated the establishment of a domestic violence support worker position at the Women's Information and Referral Centre to assist women to gain access to the services they require. In addition to assisting women in this way, I understand that training programs on issues surrounding domestic violence will also be offered to government agencies. To provide some continuing support for women, a series of support groups for survivors of domestic violence are being held.

Another example of our commitment to investigate and to deal with violence against women is the recent comprehensive investigation by the ACT Community Law Reform Committee into domestic violence and its subsequent release of a discussion paper, which we have debated in this Assembly. We have also demonstrated the Government's commitment to deal with violence against women through the recent reference by my colleague Mr Terry Connolly to the Community Law Reform Committee to review the ACT sexual assault laws. The committee has been asked to report on any desirable changes concerning the existing laws, practices and procedures relating to sexual assault, including whether the current system adequately deals with the needs of victims, and on the need for further measures for legislation and to improve the current system. I understand that consultation with the service providers in this area is currently going on. These consultations will inform the preparation of the discussion paper on sexual assault, which will be made available for public comment. It is important to note that this reference does state explicitly that the committee's review is to have particular regard to any relevant recommendations of the National Committee on Violence Against Women, and naturally that will include the objectives of the national strategy.

In addition, the ACT Government has taken some important initiatives in the area of gun law reform and crime prevention, which further demonstrates our commitment to protecting women from violence. Finally, my Women's Consultative Council has made the issue of violence against women a major priority for its work. In particular, the council will continue to provide a focus for public consultation on issues which are highlighted by the national strategy. The council has recently co-sponsored a seminar on sexual harassment with my Youth Advisory Council, which was organised in cooperation with the ACT Human Rights Office. I understand that community education was one important area for action that was identified by the participants in that seminar. Plans are also under way for the Women's Consultative Council to hold a public forum on matters related to sexual assault later in the year. In addition to these activities, I understand that the council will be seeking the views of ACT women's organisations on this national strategy.

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In conclusion, Madam Speaker, I restate that I believe that the national strategy does represent a significant stage in our recognition as a society that violence against women cannot and must not continue. My Government is committed to the principles of the strategy. We intend to use the strategy to inform the work this Government is doing to address the issue of violence against women. As I have outlined today, the Government has already taken a considerable number of steps towards this commitment.

Question resolved in the affirmative.

MEDICARE AGREEMENT - FUNDING OF PUBLIC HOSPITALS **Ministerial Statement**

Debate resumed from 18 February 1993, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

MRS CARNELL (9.00): Madam Speaker, the Liberal Party fully supports Medicare, contrary to comments being made by Mr Berry and his Federal counterparts. It is obvious that the Prime Minister used this falsehood to his advantage on Saturday, the 13th. The advertisement used by the Labor Party in the Federal campaign depicting the pregnant woman bears testimony to this. The fact is that I and the Liberal Party totally support Medicare and accessible universal health cover for all Australians, despite the Federal election rhetoric. Madam Speaker, Mr Berry regularly misrepresents me in this place.

Mr Berry: Madam Speaker, Mrs Carnell said that I consistently misrepresent her here.

MRS CARNELL: I was going on to tell you how.

Mr Berry: If you want to do it, you can do it by way of a substantive motion, but you cannot claim misrepresentation.

MADAM SPEAKER: Please reword that, Mrs Carnell.

MRS CARNELL: Thank you.

Mr Berry: Are you going to withdraw it?

MRS CARNELL: If you would like me to. I am happy to reword it. That is fine.

Mr Berry: No, just withdraw it. That will do.

MRS CARNELL: That is all right.

MADAM SPEAKER: I take that as a withdrawal, Mrs Carnell.

MRS CARNELL: Fine.

Mr Cornwell: "Disingenuous", I would suggest, Mrs Carnell.

MRS CARNELL: Absolutely, Mr Cornwell. Mr Berry regularly suggests in this place, with his ongoing comments, statements and taunts, that I supposedly do not support the public health system. Madam Speaker, if Mr Berry were to put his brain into gear for just one minute he would realise that, as a community pharmacist, I have made my living for all of my working life out of the most successful and equitable public health program in this country, the pharmaceutical benefits scheme. This program, which is well targeted, is cost-effective and is accessible to everyone. Australia's pharmaceutical benefits scheme is regarded worldwide as probably the best and most equitable system of pharmaceutical distribution in any country in the world.

The PBS has not been subjected to the massive cost blow-outs that have beset Medicare. Madam Speaker, you could well ask why this is so. Certainly, the cost of pharmaceuticals has increased dramatically, the cost of labour has increased, and the advent of high-tech drugs has had a large impact. The major reason that a cost blow-out has been averted is that a Federal Labor government made the very sensible decision to target the scheme - that is, those who are more well off pay more. This has meant that there has been no need to reduce the number of drugs available or to change the accessibility of those drugs.

It is a great pity that the successes influencing the PBS have not been translated into Medicare. The very real need to encourage those who can afford it to take out private health insurance cannot be ignored. The current Medicare system is not targeted at all, so those like the Prime Minister, earning well in excess of \$100,000 a year - - -

Mr Cornwell: How much?

MRS CARNELL: Well in excess of that; probably double that. Those people, who are not bothering to take out private health insurance, are competing for the same hospital bed as our age pensioners.

Mr Cornwell: Shame! Is that Mr Keating?

MRS CARNELL: That is Mr Keating. That would not be a problem if the States had sufficient funds to operate enough hospital beds and other services to provide for everybody without having to resort to waiting lists. The very fact that there are 100,000 people on waiting lists around Australia, including over 2,000 people in the ACT, shows that this is simply not possible. Obviously, more money is required to overcome the very real problems in our health system. I think this problem has been acknowledged by both sides of politics.

Mr Berry: What are these very real problems?

MRS CARNELL: There are 100,000 people on waiting lists, including 2,045 in the ACT. It seems like a very real problem.

Mr Berry: How did you count them?

MRS CARNELL: Off your activity sheet, 2,045. Madam Speaker, we now get to the fundamental difference between Mr Berry and me. I firmly believe that only those who can afford to pay more for health should do so. I stress that I believe that only those who can afford to pay more for health should do so; but Mr Berry believes that everybody should pay more via an increased Medicare levy.

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Madam Speaker, I think Mr Berry's approach is socially unjust. He expects people on very low incomes to pick up the tab for those on high incomes who do not take out private health insurance, like the Prime Minister. It is for this reason that the Liberal States and Keith Wilson of Western Australia - - -

Mr Connolly: This is great. They have not learned a thing from 13 March. Keep going with this strategy and you will be on that side of every chamber in Australia.

Mr Berry: I thought it was going to be hard to make you carry this baggage forever, but there is no difficulty at all.

Mr Cornwell: I take a point of order. Could we have some silence, please, from the so-called Government, Madam Speaker?

MADAM SPEAKER: Mr Cornwell, you took the words right out of my mouth. Please proceed, Mrs Carnell.

MRS CARNELL: It is for this reason that the Liberal States and Keith Wilson from Western Australia pushed so hard to make the Commonwealth recognise the importance of private health insurance in the new Medicare agreement. Our Health Minister, unfortunately, has a blind spot when it comes to privately insured patients. The impression that Mr Berry gives is that he regards these people with private insurance as a scourge on our public health system. The Minister fails to accept the fact that privately insured patients actually contribute to the public health system for the services that they receive, thus reducing the pressure on the public purse. However, in Mr Berry's explanation of his tangled financial predictions during the last sitting he admitted that in-patient receipts were already dramatically below budget this financial year. In simple terms this means that ACT Health will have less money to spend on our public hospital system.

Nationally, private health fund contributions to the health system have also dropped dramatically. In 1980 the private contributions amounted to 29 per cent of total public hospital funding. Today that has dropped to under 21 per cent - almost a 10 per cent fall. This means that there is considerably less money to spend on public hospital funding. In Canberra the fall in the number of privately insured patients cost ACT Health \$4.6m last year alone. Does Mr Berry realise or care that, for every one per cent drop in privately insured patients using ACT public hospitals, the system loses at least \$1m per year? That figure will escalate with time. There will be less money for public hospitals and, more importantly, more people relying on them. If nothing else, I wish that the Minister would take a realistic view of the positive aspects of private insurance, because it really does help the public health system meet the bills and address the ever lengthening waiting lists. Madam Speaker, the Liberals see a need to recognise the importance of the private sector, and this recognition does not come at the expense of the public health system; it enhances it.

We are also concerned about this Government's approach to a number of issues relating to the recently signed Medicare agreement. In his statement the Minister, Mr Berry, mentioned payments from New South Wales for cross-border patient treatment. What he did not tell us is how much the ACT will actually be paid to treat New South Wales patients, and whether the ACT is to receive payment based on the ACT cost per bed day, the New South Wales cost per bed day or the

Australian average rate. Unfortunately, the ACT daily rate could be as much as 25 per cent higher than the Australian average. So where will the balance come from? Will the Canberra taxpayer be subsidising interstate patients? Will this continuing drain on ACT funds lead to longer and longer waiting lists and fewer and fewer hospital beds?

Mr Berry has said that cross-border payment rates will be subject to agreement with New South Wales, and he rightly comments that if no agreement can be reached the Federal Government will step in. What he failed to tell us is that under those circumstances the ACT will, more than likely, get the Australian average rate per bed day, based, of course, on things like case-mix data and DRGs - information that the ACT still cannot provide. There are other areas of the new agreement that Mr Berry did not tell us about.

Mr Berry: Which other States can provide it?

MRS CARNELL: Queensland, New South Wales - do you want me to keep going?

Mr Cornwell: Do you know what she is talking about?

MRS CARNELL: No, he does not know. There are other areas of the new agreement that Mr Berry did not tell us the whole story about. Mr Berry neglected to highlight the fact that the amount of money that the ACT gets from the bonus pools will depend largely on how the other States perform. This means that, if New South Wales and Victorian public hospitals admit substantially more public patients, the amount of money available to the ACT and other States decreases.

When Mr Berry boasted that the ACT will be \$21m better off in health, he also neglected to tell Canberrans that the Medicare agreement amounts to only some of the funding equation. The remaining money comes from the Commonwealth on the recommendation of the Commonwealth Grants Commission and from other sectors. Mr Berry neglected to mention that the Grants Commission has said that the ACT is \$45m overfunded in health and that it will seek to reduce funding closer to the Australian averages over the next few years. So, Madam Speaker, the Minister should not be complacent on the basis of the extra money available from the Medicare agreement. There is still much to be done to address the inefficiencies in ACT Health.

I have already stressed that I am concerned that the Medicare principles and commitments do not contain a commitment to private health insurance for those - and I stress this - who choose to take it. I am also concerned about the manner in which these principles were dealt with in the Health Bill 1993. These principles and commitments under the Medicare agreement are required to be adopted by States and Territories. But this is the wording of clause 6, entitled "Legal effect":

Nothing in this Part is to be taken to create any legal rights not in existence before the enactment of this Part or to affect any legal rights in existence before that enactment or that would, but for this Part, have come into existence after that enactment.

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Are the principles and commitments truly adopted with that clause in place? I think not. It would appear that Mr Berry is not really committed to the Medicare agreement at all. If he were, why would clause 6 exist? Perhaps he knows that under his leadership ACT Health could not possibly fulfil those requirements.

Another interesting thing contained in the principles is to "ensure that the community is aware of the range of health services that are available and that patients have information that is sufficient to enable them to make informed choices". Informed choices? Does that mean that people will be told that there are not enough beds and that there are 2,045 people on the waiting list? Will they be told that they have a 33 per cent chance of being on the waiting list for more than six months? Informed choices? What choice do the 2,045 people on the waiting list really have? Informed choices for what? Certainly not the choice to take out affordable private health insurance. I am pleased to see that commitment two states, in part, that ACT Health is "committed to making improvements in the efficiency, effectiveness and quality of hospital service delivery". I sincerely hope that the Minister applies that undertaking to his own performance in administering ACT Health.

Mr Berry has regularly stated that by signing the Medicare agreement early he got access to the hospital access program, the HAP funds, to address the waiting list problem before the other States had an opportunity to do so. Wrong again, Mr Berry. As Mr Berry is no doubt aware, the Prime Minister announced in early December that the 1992-93 HAP funds were available outside the Medicare agreement negotiations. So Mr Berry did not have to sign the agreement early after all. Since then Mr Berry has announced that the waiting list money would be spent on hiring two new surgical registrars and buying some new equipment. Unfortunately, none of these initiatives will make one speck of difference unless more operating time is available and more beds can be staffed to accommodate the extra patients. (*Extension of time granted*)

Madam Speaker, there is no doubt that the new Medicare agreement raises many questions, but it does provide some extra funds for ACT Health. Mr Berry must use this extra money to reduce waiting lists and to address the critical bed shortage. He now has no more excuses. Let us not forget that this extra money comes at a cost to Canberrans. The increase in the Medicare levy from 1.25 per cent to 1.4 per cent will cost ACT taxpayers as much as \$10m annually. If you add to that the decreased revenue from private health insurers, the possible \$21m starts to look less rosy. Of course, Madam Speaker, if George Gear, our new Assistant Treasurer, and Rosemary Crowley, the Minister for Family Services, get their way, the Medicare levy will double, costing the average Canberran many hundreds of dollars a year.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (9.17), in reply: Madam Speaker, I was most interested to note the absence of any debate about bulk billing and how, for 13 million Australians, the Liberals opposite support wiping it. I was also most interested to hear Mrs Carnell say that she supported Medicare, but I know that all they support is the name and the levy.

Mrs Carnell: That is not true.

MR BERRY: She says that that is not true. It is true. Mrs Carnell has repeatedly provided misleading information to the community about the issue of funding for Medicare. The Federal Liberals made it clear that, had they won the last election, they would have cut all State hospital funding grants over the medium to short term. I know that we do not have to worry. I thought, after having listened to Gary Humphries a couple of times on the radio, that one of the big jobs would be to attach all this baggage to the Liberals; but Mrs Carnell has proved that it is going to be an easy job because she has never put the baggage down. That is good news for the people of the ACT because they will be able to distinguish clearly between the people who would destroy the public hospital system and the people who will preserve it. I am quite happy about that because, as one of the people who earn above the average income, I pay more. I am one of the people who pay more than people who are on the average income. Paul Keating pays even more than I do. He pays even more than I do because 1.4 per cent of \$50,000 is a lot more money than 1.4 per cent of \$25,000.

Let us drop the lie about rich people not paying more than those who are not so well off. What stings those who are well off most is that they have to pay more. They have to assist the people at the bottom end of the income scale with the extra funds that they put in. So Paul Keating is happily paying more and making a contribution to the well-being of those who are not so well off. I am happy about Paul Keating's contribution and I am happy about paying more. Indeed, I am happy with the increase of the Medicare levy to 1.4 per cent. In fact, it could possibly be increased a tad more and it would not bother me. Neither would it bother the ordinary person in the street because they would be getting better value. Only the rich people that Mrs Carnell seeks to represent do not like paying this. People who are earning hundreds of thousands of dollars a year have to pay the Medicare - - -

Mr Westende: It is cheap insurance either way.

MR BERRY: Indeed. Lou Westende, you can get emergency treatment, no matter how rich you are, out at Woden Valley Hospital, but you have to pay more than the ordinary person down the street - and that is fair enough, too.

Mr Westende: I pay more. It is cheap insurance either way.

MR BERRY: Indeed, it is. I wish Mrs Carnell agreed with you.

Mr Cornwell: I wish the Prime Minister did.

MR BERRY: Well, he pays more.

Mrs Carnell: But he does not pay enough.

MR BERRY: He pays more. Under the Liberals the people on the high end of the income scale would pay private health insurance and not pay the levy, and therefore they would be better off.

Mrs Carnell: The Liberal Party supports the levy. That is just mere trivia.

MR BERRY: A lower part of the levy. That is until after the election. We know where the Liberals are coming from. Clearly, they intended to cut all the funding to the State hospital system, to force people into private hospital insurance where ordinary - - -

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Mrs Carnell: Not force anyone. You are forcing them out of it.

MR BERRY: No, the private system cannot cut the mustard; that is why people will not cop it. They know that it is bad value because private hospital insurance is too high and private hospital costs are too high. If private hospitals want to bring their costs down to reasonable levels and if private health insurance wants to provide insurance at a market rate, people will take it out. The reason that people are not taking out - - -

Mr Cornwell: How come John James is extending the building?

MR BERRY: Insurance is falling off; it will be down to 30 per cent by the end of the year. It will continue to fall because people know that the Medicare system is good value, and private hospital care and private hospital insurance is not good value.

Mrs Carnell: Why do 600,000 pensioners have private health insurance?

MR BERRY: That is because people like you have frightened them about the public hospital system. Madam Speaker, we have in Australia a unique health system which will now be preserved, much to the aggravation of the Liberal Party. That is fair enough; they deserve to be aggravated because they tried to impose upon the people of Australia a system which would be to their detriment. In other words, people would be forced into private hospital insurance and be on the same waiting lists, if the Liberals had their way. They would be waiting for the same services that they are waiting for now. There would be no difference, except that they would pay more. They would pay the levy and pay private hospital insurance and still have to wait. There is nothing new in that, except that private health insurers would do better out of it. They are mates of the Liberal Party.

MBF ran a campaign which paralleled the campaign of the Liberal Party in relation to private hospital insurance - the massive scare campaign - and Labor presented it as it is. We saw the massive scare campaign run by the private hospital insurers, the private health care insurers, and we saw the AMA and Dr Bruce Shepherd out there campaigning for the Liberal Party. I have to say that that was a sign of victory. As soon as Dr Bruce Shepherd and the AMA were out there campaigning for the Liberals we knew that we were going to win. Everybody in Australia knew that Labor was on the right track. If Bruce Shepherd and the AMA were campaigning for the Liberals, we knew that we were on the right track.

Madam Speaker, this Medicare agreement for Australia was a landmark agreement because it was the signal to the people of Australia that there was a political party that had their well-being in mind.

Mr Cornwell: No, it was not a landmark; it was a landslide right over the people of Australia.

MR BERRY: It was a landslide because the people of Australia could see that they had a government which had social justice as the centrepiece of its policy-making procedure and a government which was concerned about delivery of health care to all of its people, not just the well-off. Madam Speaker, at the end of the day the proof of the pie is in the eating; Medicare is the great success story.

Mr Connolly: And Bob Woods is history.

MR BERRY: Bob Woods is history; thank you. Kate Carnell is left carrying the bags, and may she carry them forever. I will continue to remind her and all of her Liberal supporters about the support that was given to the Hewson-Howard health care policy which undid Bob Woods, and would have undone many Australians. At the end of the day, Madam Speaker, we are far better off as a result.

As for signing the agreement, or indicating earlier that we were committed to it, we had no problem with that because we knew that for the people of the ACT, and for Australia, the best course was to commit ourselves to Medicare. Labor was rewarded for that. The people of the ACT will be rewarded for it as well. (*Extension of time granted*) Madam Speaker, Mrs Carnell was critical of the principles and commitments of Medicare. One of the principles which they most opposed was the first one.

Mrs Carnell: I was not critical of them.

MR BERRY: You were critical of it.

Mrs Carnell: No, I was not.

MR BERRY: Okay, do you like this one, then? This is a bit of a contrast to what you have been saying. Eligible persons must be given the choice to receive public hospital services free of charge as public patients.

Mrs Carnell: That is right.

MR BERRY: You said that they have to be privately insured.

Access to hospital services is to be on the basis of political need. Fine. To the maximum practicable extent, a State will ensure the provision of public hospital service equitably to all eligible persons, regardless of their geographical location. The Commonwealth and State must make available information on the public hospital services eligible persons can expect to receive as public patients. The Commonwealth and States are committed to making improvements in the efficiency, effectiveness and quality of hospital service delivery. You say that you support - - -

Mrs Carnell: No problems.

MR BERRY: Well, why did you criticise me for committing myself to Medicare earlier?

Mrs Carnell: I criticised you for clause 6.

MR BERRY: Because of hypocrisy.

Mrs Carnell: No, because of clause 6.

MR BERRY: Hypocrisy got in your way; that is why. So, Madam Speaker, we have a situation here in the ACT where - - -

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Mr Cornwell: I raise a point of order, Madam Speaker. Mr Berry has just stated that hypocrisy got in the way of Mrs Carnell. I understand that "hypocrisy", used in a general sense, is not unparliamentary. However, you have ruled previously, Madam Speaker, that used towards an individual it is unparliamentary. I ask Mr Berry to withdraw it, please.

MR BERRY: I withdraw that.

MADAM SPEAKER: Thank you, Mr Berry. Thank you, Mr Cornwell.

MR BERRY: Madam Speaker, what happened was that the truth got in the way of Mrs Carnell's position. Here we have a situation where the Government had done the right thing - - -

Mr Westende: He cannot say that, either.

Mrs Carnell: You cannot say that truth got in the way.

Mr Westende: You cannot say that, either. That is unparliamentary. I have been ruled out of order on that.

MR BERRY: Well, I am sorry then. What do I say?

Mr Cornwell: I take a point of order, Madam Speaker.

MR BERRY: What do I say? The facts of life got in the way.

Mr Cornwell: When he says that truth got in the way, that rather suggests that Mrs Carnell is not telling the truth. I ask for that to be withdrawn, too, please.

MR BERRY: Madam Speaker, what I have to do is climb to my feet here and say that the loving and caring Mrs Carnell - - -

Mr Westende: Hear, hear!

MR BERRY: None of that is true. I will not say it.

MADAM SPEAKER: Mr Berry, I would hesitate to ask you to do that.

MR BERRY: Madam Speaker, here we have a situation where the Liberals are critical of Labor, for good reason; because the Liberals have been relegated, again for good reason. I understand why they are critical of the winners and the gridders. At the same time we have to stop this criticism of a system which is going to survive all of the people in this Assembly.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to be put forthwith without debate.

Question resolved in the negative.

MEDICARE AGREEMENT - FUNDING OF PUBLIC HOSPITALS
Ministerial Statement

Debate resumed.

MR BERRY: This will take only a moment. Madam Speaker, it has been a matter of some joy to me to be able to climb to my feet this evening and talk about Medicare and once again to point out to the people of the ACT, for the record, that the Liberals are carrying the same baggage. The people of the ACT will continue to be reminded of it. All of them over there - those that have bothered to turn up this evening - will have to wear - - -

Mr Cornwell: Come on; that is not quite fair.

MR BERRY: There are some legitimate reasons for some of them. Gary could not be here. He got such a hiding today that he is licking his wounds. The others are off crook. Mr Kaine is away doing business, and that is fair enough, too.

Mr Cornwell: Mr De Domenico is not well.

MR BERRY: No, he is off crook. So there are legitimate reasons for them all to be away.

Mr Cornwell: Why did you make the statement, then?

MR BERRY: Well, no; Mr Humphries is away licking his wounds, and I do not blame him. Madam Speaker, so here we are with Medicare in our laps. The Government is going to deliver it for the next three years and the people of the ACT are grinners, like us.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 9.32 pm