



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

8 August 2001

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**MR SPEAKER** (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### Pharmacy Amendment Bill 2001

**Ms Tucker**, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

**MS TUCKER** (10.33): I move:

That this bill be agreed to in principle.

Mr Speaker, for many years in Australia there has been a general presumption that the pharmacies we see in our shopping centres are owned by the registered pharmacists who work within them. In fact, all state pharmacy legislation limits the ownership of pharmacies to pharmacists.

However, in recent years concern has arisen within the pharmacy profession about the potential for corporations with no particular pharmacy connections to take over the operation of pharmacies and run them as a retail business. For example, a supermarket could operate a pharmacy section within its premises in the same way as it might have a bakery or delicatessen, or a company may want to set up its own chain of pharmacies.

This concern came to a head when the state and Commonwealth governments agreed through COAG to undertake a national competition policy review of national pharmacy legislation. This review was completed in early 2000 and came to be known as the Wilkinson review. This review concluded that there is a net public benefit in the existing system of pharmacy ownership, even though this could be considered as a restriction on competition.

The review concluded that the ownership of pharmacies by pharmacists ensured the highest standard of provision of this important health care service. Non-pharmacist corporate structures are more likely to focus on maximising commercial returns—for example, through encouraging greater sales in medicinal and health care products—thus leading to overservicing. Overseas experience also shows that chain store types of pharmacies do little of the across-the-counter counselling that independent pharmacies provide.

The present system of pharmacy ownership also promotes better accountability. A pharmacist who runs their own pharmacy has a personal as well as a professional interest in operating their business ethically. However, company directors of a chain store pharmacy would not have the same professional connections to the business and would not suffer direct financial loss if one of their pharmacists lost their registration. They could just employ a new pharmacist.

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COAG is yet to formally respond to this review, but I have been advised by the Pharmacy Guild that they have received statements from most state governments and also from relevant federal ministers and the opposition that they will support the maintenance of the present system of pharmacy ownership.

However, some time ago I was approached by the Pharmacy Guild about an anomaly in the ACT legislation on pharmacists. While the intent of the legislation is to limit the practice of pharmacy to individual registered pharmacists, it could allow for a company to own a pharmacy business. The company could merely employ registered pharmacists to manage the pharmacy. This would create a significant complication, in that the directors and shareholders of the company, who may not be registered pharmacists, would effectively own and control the drugs held by the pharmacy. I understand that the ACT Pharmacy Board has also raised concerns about this anomaly.

My bill seeks to eliminate this anomaly by allowing companies to operate a pharmacy, but only if the company is controlled and managed by registered pharmacists. This bill would protect the public interest by ensuring that pharmacies can be owned and operated only by pharmacists, while providing pharmacists with the flexibility of using a corporate structure for their pharmacy business should they so choose.

My bill is modelled on the pharmacy legislation in South Australia, which follows this approach. The South Australian legislation allows qualified natural persons and companies, under specific conditions, to be registered pharmacists and thus be bound by the Pharmacy Act.

The key clause in my bill is clause 18, which inserts a new section on eligibility of companies for registration. Companies which seek to be registered as pharmacists must have only one object in their constitution, which is to carry on the business of pharmacy. All the directors of the company must be registered pharmacists. The shares of the company must be owned by registered pharmacists or their immediate relatives, and only registered pharmacists may have voting rights.

The rest of the bill contains many consequential amendments, because the existing Pharmacy Act was written in terms of individuals being pharmacists and needs to be amended so that its provisions can apply both to individual and to incorporated pharmacists.

While it could be argued that this bill pre-empts the finalisation of the national competition policy review, I think it is pretty clear that ownership of pharmacies by pharmacists has passed the public benefit test and that existing legislation in other states will not be changed in this area. The existing anomaly in the ACT legislation should be fixed up without delay to be consistent with this national approach.

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

## **Parental Leave (Private Sector Employees) Amendment Bill 2001**

**Mr Berry**, pursuant to notice, presented the bill.

Title read by Clerk.

**MR BERRY** (10.40): I move:

That this bill be agreed to in principle.

Mr Speaker, the Parental Leave (Private Sector Employees) Amendment Bill 2001 demonstrates Labor's commitment to workers in our community. This bill amends the act passed in 1992, legislation which I introduced.

Members will understand that before that time parental leave was not available for private sector workers, but it has become a standard in the public sector, with provisions for some pay and so on.

The Parental Leave (Private Sector Employees) Act 1992 took up the 1990 decision of the Australian Industrial Relations Commission covering maternity leave, paternity leave and adoption leave. As I said when introducing the bill in 1992, it applies the national standard for parental leave to those workers in the private sector who are not covered by awards or who are covered by awards which make no provision for parental leave and do not preclude such an entitlement.

The act has served Canberrans well. Today I introduce an amendment to the act to include the most recent decision of the Australian Industrial Relations Commission. In that decision, the commission extends the coverage of parental leave to casual workers. My amendment today extends that decision to private sector casual workers in the ACT. At a time when casual work is on the increase, many workers find that they are working for long periods as casual workers. To extend parental leave to those workers is timely.

Mr Speaker, casual work for many these days has become a permanent feature of life, and this is recognised by the Industrial Relations Commission. Entitlement to industrial features like parental leave ought to be available for workers who, not by their own choice, are locked into casual work because that is the only work available. These workers, who have a reasonable entitlement to continuing employment as casual workers with a particular employer, should not lose that entitlement by virtue of the fact that they need leave for parental purposes.

This does not involve a payment to casual workers, but it does involve an entitlement of a job once the need for parental leave has concluded. These days casual work has become a permanent feature of workers' lives. In many ways, it has become a difficult one. For example, in casual employment, it is very difficult to get bank loans to purchase cars, houses and so on. It is a cruel reality of the Howard/Reith/Abbott industrial relations system that more and more workers are being pushed into less secure employment arrangements which make them subject to the predatory behaviour of some employers. That is not to say that that is the case for all casual employees, but such arrangements are used more widely these days than they have been over many years.

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Governments and legislators who have a social conscience about the future of workers, workers who are indeed our future, ought to be extending to them as many conditions as they possibly can to make their lives more secure and more enjoyable. The amendment bill I introduce today seeks to provide that for casual workers.

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

## **Magistrates Court Amendment Bill 2001**

**Mr Rugendyke**, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

**MR RUGENDYKE** (10.44): I move:

That this bill be agreed to in principle.

This bill amends the Magistrates Court Act 1930. It inserts new provisions allowing police the discretion of issuing infringement notices for certain minor offences in the Crimes Act 1900. The bill does not alter the existing maximum penalties but rather provides police with an additional option when dealing with offences relating to minor theft, destroying or damaging property, defacing premises, offensive behaviour and indecent exposure.

The aim of the bill is to provide police with another tool in the tool bag, so that law enforcement officers have the discretion to apply a consequence for offences at the lower end of the scale. For example, it has been brought to my attention that shoplifting has been a problem caused by suspected repeat offenders at a supermarket in the City Markets. A case of an adult offender being caught taking something like a chocolate bar is not considered serious enough to refer to court through a summons or VATAC, but rather than doing nothing, issuing an infringement notice is a satisfactory method of ensuring that there can be a consequence for such minor offences.

It should be noted that this bill amends the infringement notice provisions that the Fair Trading Legislation Amendment Bill 2001 seeks to insert into the Magistrates Court Act. Although this proposal is to piggyback the infringement notice provisions in the fair trading bill, I have elected to table these amendments in a separate bill because they link offences from the unrelated Crimes Act 1900. It is appropriate and fair that members assess these measures in their own right.

This results in only one subtle change to the requirements for information on infringement notices and reminder notices. The advice on the notices would be required to make it clear that if a non-payment of the penalty were to result in prosecution the court could impose more than just a monetary penalty for offences for which the court has the discretion to apply other penalty options.

Mr Speaker, this is a straightforward bill that would certainly assist police on the beat in maintaining order at scenes of minor offences. This bill was part of a package of bills I submitted for drafting earlier in the year to our hardworking team of parliamentary counsel. As members are aware, their resources have been stretched. There is more to

this package that I talked about earlier in the year, and I flag that I will be tabling more amendments this week.

Mr Speaker, I commend this bill to the Assembly.

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

## **Abortion—exposure drafts of legislation Papers and statements by member and minister**

**MR BERRY:** I seek leave to table exposure drafts of legislation I intend to bring to this Assembly one day.

Leave granted.

**MR BERRY:** I present the following papers:

Crimes Amendment Bill—Exposure draft.  
Health Regulation Repeal Bill—Exposure draft.

I seek leave to make a short statement.

Leave granted.

**MR BERRY:** I believe that abortion should be safe, legal, accessible and rare. Abortion is, and will always be, a controversial issue in the community. I accept this, and I want to make it clear in tabling these exposure drafts that I accept those strongly held views. My aim today is to table these bills I have had drafted so that the community can consider them in the lead-up to the election. I want everyone to consider the questions: should abortion be punishable by imprisonment; should women be made to look at pictures of foetuses when considering an abortion? These are the stark realities of the law which is in place in the Assembly. I want the community to consider these questions, and I want all candidates at the election to consider these questions.

Should we ignore the reality of 80,000 abortions across Australia last year? Should we accept that, on a strict interpretation of the law, many of these women and their doctors would be threatened by a jail sentence?

As you all know, I feel very strongly about this issue, and it is my long commitment to law reform in this area which led to my actions today. I believe that it is a woman's right to choose whether or not she has an abortion, and I believe that most in the community accept this position.

It is worth while to look at how we got to this position. The Crimes Act, which my Crimes Amendment Bill amends, has three sections which make abortion illegal—sections 42, 43 and 44. They provide a penalty of up to 10 years in prison for a woman who procures her own abortion, for someone (a doctor) who performs an abortion and for someone (perhaps a pharmacist) who provides drugs which may be used to perform an abortion.

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Our Crimes Act is modelled on the New South Wales Crimes Act, which was in turn based on the United Kingdom's Offences Against the Person Act 1861. Let us now consider how things were in 1861, when this law was put in place in the United Kingdom.

Women in those days were considered the property of their father until that possession was transferred to their husband. Continuing the family line—that is, bearing children—was considered essential. Women did not work outside the home. Women were not allowed to own property until 1870. Women could not become members of parliament in the United Kingdom until 1919, and they did not get the vote until 1928. In Australia we were much more progressive. Women were granted the vote in 1902, but the Crimes Act was passed in 1900.

Things have changed since then, and attitudes that prevailed in 1861 are thankfully a thing of the past. Changes in community attitudes have been recognised through the courts. Rulings by judges have meant that the Crimes Act 1900 has not been enforced, but the crime remains on the statute books.

The other draft bill here repeals the Health Regulation (Maternal Health Information) Act 1998. It is a much more recent act, but its impact is equally outdated. It assumes that women are unable to make choices for themselves. That act was put in place after the last election. It seeks to force women considering an abortion to look at pictures of foetuses, among other things. It is a controversial measure that was put in place over the outraged condemnation of many people in the community, particularly women potentially affected by the legislation and health professionals who pointed out the flaws in it. The outrage was fuelled by the concern that this proposal had come before the Assembly without any warning in the election that elected current members of the Assembly.

I do not believe that we can go back to the electorate at the next election without everyone declaring what their policy is on this important issue. We cannot ignore our responsibility as legislators. Ineffective and outdated law is bad law and should be ditched. It is not appropriate to allow laws to be breached. If we believe they are no longer to be enforced, we must do our duty and change them. It is a sign of the weakness inherent in the legislation that the harshness of the law has been ameliorated by the judiciary to reflect community standards. We are, after all, the law makers.

Quite simply, I do not believe that the community would countenance laws which could result in a woman being sent to jail for 10 years because she had an abortion. Nor would they accept that her doctor should suffer the same fate for performing an abortion. Surely a woman faced with the difficulty of such a decision should be granted our support, not threatened with a jail sentence.

Equally, I do not believe that the community accepts that women considering an abortion should be forced to look at pictures of foetuses. Most recognise it for what it is—an attempt to coerce women. Society has moved a long way from 1861, and it is time we brought our laws into line with community attitudes on this issue.



More importantly, we need to stand up and make our position known to our electors so that they can make an informed choice when they vote. In this fifth election for the Assembly, I am keen to make sure that electors can make a decision based on the policies of candidates. Many would wish the issue were not debated; that it would simply go away. For too long, many have said it should not be debate, but I think they are wrong. It should be debated, and my tabling of these bills today is a positive and responsible way of ensuring that this happens.

I know that abortion is traditionally subject to a conscience vote. I am not attacking that, but electors should know what a candidate's conscience is on this. For me the decision is easy. It is not my conscience which should decide whether a woman has an abortion but a woman's conscience

As I said earlier, I have a long commitment to abortion law reform in this Assembly. As the territory's first health minister, I explored options for reform. In the Second Assembly I successfully repealed the archaic Termination of Pregnancy Act, which prevented abortions from being performed in the ACT and forced women to travel interstate.

In 1994 I moved to establish the territory's first clinic under the auspices of Reproductive Health Care Services. Also in 1994 I first drafted the bill to repeal the sections of the Crimes Act which make abortion a crime. I campaigned against the Health Regulation (Maternal Health Information) Act and its precursor, the draconian Health Regulation (Abortions) Bill 1998.

I have always been passionate about abortion law reform, and always will be. I want to offer electors a choice on this important issue and bring it to their notice before the election. I thank members for their forbearance.

**MR MOORE** (Minister for Health, Housing and Community Services): Mr Speaker, I seek leave to make a statement of less than a minute on this issue.

Leave granted.

**MR MOORE**: I am extraordinarily disappointed that I will not be here to support Mr Berry's bills. I wish you all the very best in getting them up in the next Assembly.

## **Adult Entertainment and Restricted Material Bill 2000**

Debate resumed from 20 June 2001, on motion by **Mr Rugendyke**:

That this bill be agreed to in principle.

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

## Unpaid work statistics

**MR WOOD** (10.56): Mr Speaker, I move:

That this Assembly:

- (1) notes the importance of unpaid work in our community;
- (2) expresses its disappointment at the decision by the Federal Government to downgrade the Australian Bureau of Statistics' measurement of this activity from 5 years to 12 years;
- (3) recognises that the new regime would mean that the data is at least 15 years out of date and will severely impact on policy planning and other government activities such as community services, industrial relations and transport; and
- (4) advises the Federal Government of the ACT's request for relevant data to be collected in each census.

I have arranged for Kerrie Tucker to move a small amendment to the last part noting that five-yearly surveys, which can be quite comprehensive, are very important.

Members, last night you filled out a census form, or I expect you did, and answered 50 questions, a large number of questions. They were all very important questions; there is no doubt about that. We have all watched the advertising which, sensibly, says how important it is to collect this data, yet there was no data sought on the very important question of unpaid work. A very large number of hours is devoted each day to unpaid work, an enormous number by the end of the year. Hence, we have this motion before us.

If that data is not collected, if there are no records of it, that work goes unrecognised, to the detriment of the people who are providing that work and, more than that, to the detriment of the nation as it seeks to plan properly for the years ahead. That unpaid work makes an enormous contribution to the Australian economy. If the extent of it is not recorded, the data is not gathered, it is simply not measured in the gross domestic product.

Such material has been collected in time use surveys in other years. I believe that this data was collected in the censuses of 1992 and 1997. Let me tell you how the ABS itself viewed the collection of this data. I quote from an ABS paper dated February 1994 when the ABS was preparing for a collection:

Patterns of time use have assumed increasing importance over the last decade as a means of measuring the productive value of households as economic units. The data collected in this survey will be used by the ABS to derive a monetary value for all forms of unpaid work as part of the development of a system of satellite national accounts for the household economy.

The paper goes on:

As well as being an effective means of measuring household work, patterns of time use may also provide insights into the wellbeing of various groups of people by illustrating the existing balance between time spent on paid work, household work,

purchasing goods and services, personal care, education, voluntary work and community participation, socialising and active and passive leisure.

I will finish with this quote:

As a measure of its value as a social indicator, the time use survey has now been included as a core survey in the ABS social surveys program, with subsequent surveys to be conducted every five years from 1997.

That is what the ABS said about it. That is pretty important stuff; yet it is now a thing of the past, it does not apply any longer, so all the policy development that should flow from this information is being impaired. I have had a personal experience in this regard. Last night I had extensive discussions with my dear wife as she sought to answer the census questions and found, as a person who does a little bit of paid employment and a lot of voluntary work, that it was quite impossible for her to answer some of those questions. The opportunity just was not there; she could not do it. Even having another couple of questions would have been of enormous assistance to her, and to me as I tried to help and advise, in getting that survey done.

There is a requirement for more effective responses to the needs. There were extensive questions last night about transport. I was asked about the address of this building. I could not give a street number for the Assembly; I simply indicated that it was in London Circuit. Extensive data was sought on how you travel and where you go, but there was nothing there on what might well be half the nation's economic activity in terms of unpaid work. That has been downgraded from a comprehensive five-year collection to a collection maybe every 12 years or so.

As a result of this lack of data collection, we will have inadequate information on support services for the elderly, inadequate information on the needs of people with a disability and their carers and no information in the detail we want on who does work in the home or how flexible work practices apply, and we will find it much more difficult to develop policies on the roles of women and a whole range of other issues. In an era of pretty rapid change in work practices and practices around the home, we will be well behind the times when any data is collected. The ABS says that it will continue to use time use surveys, but has given no commitment as to timing, thoroughness or just what it will do. Tentatively, the next one has been programmed, I understand, for 2005, but there is no guarantee of that occurring at this stage.

The period of having regular thorough reviews is over. In lieu, we are getting long delayed and uncertain data. This motion simply asks the Chief Minister to notify the federal government of the Assembly's views.

**Mr Humphries:** You do not, actually.

**MR WOOD:** We have done so before in other circumstances, Mr Humphries, sometimes controversial circumstances, as for our relationship with a sister city in France. We have done this sort of thing before; we have simply expressed an opinion to the federal government. I think that that is a reasonable stance to take. This motion is a reasonable and sensible one. I believe that it is one that, in all the circumstances, should be supported.

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**MR HUMPHRIES** (Chief Minister, Minister for Community Affairs and Treasurer) (11.05): Mr Speaker, I am happy to rise to support the motion which Mr Wood has moved and to use the opportunity to indicate the value that the community ought to be placing on unpaid work, not just to the fact of unpaid work, but to the proper measurement of unpaid work.

Just as an aside to begin with, Mr Wood makes the point that the motion calls on the ACT government to express a view to the federal government. It does not do that; it actually asks the Assembly to advise the federal government of the ACT's view. I will take it that he means that the ACT government should do that, but that it is not quite what the motion says.

Mr Speaker, an enormous quantity of volunteer or unpaid work or inadequately paid work occurs in this community, as in every other community, every day of the year. It is, of course, impossible for any community to pay for all of the work which is done either on its behalf directly or on its behalf indirectly in the maintenance of a variety of social structures and institutions which promote the wellbeing of the community, one might say the social capital of the community. That work is performed in all sorts of ways. It is performed in school tuckshops, in living rooms, in organisations that provide care and in charities—in settings which are as numerous as the variety of human experience.

We need to be fully aware, particularly this year, the International Year of the Volunteer, of how vast and how important that voluntary contribution, that unpaid contribution, is to the vitality and wellbeing of this community. Indeed, without it at the levels experienced in this country, the very quality of life of this nation would deteriorate remarkably and the capacity of the community to perform a whole range of functions deemed important to the community simply would disappear. We need to treasure the value of that unpaid work and to ensure that it is properly recognised, promoted and encouraged.

Mr Speaker, one way of doing that is to properly measure it and record it to ensure that as a community we know, at least roughly, what kind of unpaid labour is occurring in our community so that we can structure services around that unpaid work. This is not merely a case of being able to say thank you to the people who perform unpaid work in a variety of settings, important as that is. It is a question about constructing facilities and services around the provision or the occurrence of that unpaid work. For example, knowing that a certain amount of unpaid work occurs outside the home helps in the construction of better transport facilities. Knowing that unpaid work consists of providing care to other people at a certain level assists us in constructing services for carers, such as the possibility of providing insurance coverage and arrangements for proper facilities, venues and other places where this work can occur. It dictates issues such as the hours of opening and access for certain government services. Indeed, a whole host of questions flow from having proper knowledge and information about the extent of volunteering for unpaid work.

The measurement of unpaid work in our community is a very important indicator of the health of the community. It is a reflection of community participation and support and, as I have said, it contributes to the social capital of this city. The contribution in the form of unpaid work is often invisible, especially for domestic work and work caring for children, for elderly people and for people who are ill. The contribution in the form of

unpaid work needs to be included in the case of people who are in paid work but contribute some of their time in unpaid labour as well.

The danger of defining people purely in terms of the time that they spend in paid employment as opposed to the time that they spend in unpaid employment or those people who spend their entire time in unpaid employment is an extremely important issue. With the increasing focus on paid work and life balance, it is critical for policy makers to have clear information on the different workloads of people in the community. This is particularly relevant for women, as they increasingly need and want to participate more fully in the paid work force as well as care for children and other family members. The option of choice and the opportunity for people to be able to balance the requirements of their paid and unpaid employment are needs that this community must acknowledge.

There are slightly more female carers than male carers in the ACT. More women—18.7 per cent—undertake the role of primary care. Men account for only 4.5 per cent in that category. People in the ACT have the highest rate of voluntary work in Australia. We are the volunteering capital of Australia. The average number of hours contributed by each volunteer tends to increase steadily with age, with women over 45 years of age doing the most voluntary work of any category of person in this community.

Mr Wood made reference to the Australian Bureau of Statistics time use survey, which incorporates unpaid work in the community and which was first issued in 1992, with the last one being issued in 1997. I acknowledge that it has been an important tool as it has provided useful data to decisions makers across our nation. It contains a selection of national-level data on the time spent in paid work, unpaid household work and shopping, caring for children and frail, sick and disabled people, community participation, education, leisure and personal maintenance. The significant problem with the time use survey is that it does not include a capacity to provide state and territory-level data. It is only manifested at the national level. Whereas I do not detract from the importance of having national-level data, it is extremely important for each state and territory to know the patterns of volunteer labour within its own community and the absence of such data is a significant disability.

Mr Speaker, the ACT government has not been able to obtain the information about unpaid work in the Canberra community from the time use survey. Apparently, it cannot be disaggregated, which is of considerable concern. The next time use survey is scheduled, on my advice, for 2006. I think that Mr Wood said 2005. My advice is that it will be in 2006; obviously, it will be about that time. It would still not include any specific capacity to obtain information about the states or territories. As Mr Wood indicated, thereafter it is proposed that the survey will be conducted every 12 years.

The ACT, particularly those in the ACT government who are working in statistics and are preparing baseline data for all sorts of activities in this community, want that information more regularly than every 12 years. I share the concern expressed in this motion about its unavailability. Information on voluntary work is available for the ACT and has been used, of course, in the *State of the Territory Report*. We have data in that document from 1995. Updated data for the year 2000, I understand, is being released by the ABS next week, and then the ABS proposes to do this survey on a six-yearly basis.

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Additionally, voluntary work will be included in the general social survey first planned for next year, 2002. The ABS has acknowledged the importance of time use surveys in providing data on a range of people's lives, in particular with unpaid work. The lesser frequency of these surveys in the future reflects the fact that most time use patterns change only slowly over time. The ABS asserts that the data is used more for descriptive and research purposes than to support analysis or to design services. I disagree. I think that the information is quite useful for a whole range of things and can immediately educate policy in areas where volunteering features highly.

For that reason, having a database which is renewed only every 12 years, in the case of the time use survey, makes the information much less helpful and it does need to be considered in a different light. In the *State of the Territory Report* we measure things such as underemployment and volunteering and we explore the amount of unpaid or underutilised resources in the community. This area provides a good indication of the difficulty that getting robust social data at frequent enough levels presents.

Mr Speaker, I will certainly take up the matter that the motion refers to and ask the federal government to revise the position of the Australian Bureau of Statistics. I do not know whether it was the decision of the federal government to change this measure from five to 12 years or that of the ABS itself.

**Mr Wood:** I think that the approach we have to make is through the federal government.

**MR HUMPHRIES:** Yes. Obviously, the federal government is the body to approach to get a change. I think that that is an appropriate step to take. The point has been made, and I think it is worth making again, that this year is the International Year of the Volunteer and it is clear at this point in time that the amount of measurement of the volunteering is to diminish in Australia. I would think that that would be a backward step. I believe that volunteering must continue, that it is absolutely necessary at the levels that have occurred in Australia and that realistically we cannot expect to pay people for all of the volunteer work that is done.

It is not a question of saying that we must gradually over time eliminate volunteering by increasing payment for this sort of work. That is obviously out of the question. But we need to know what is happening. We need to know how much of it is occurring, where and when it is taking place and how people view that kind of contribution to the vitality and life of the community. With that information, we can design services around that measure of volunteering. For that reason, as I have said, the government will support the motion. I look forward to some reconsideration of this matter at the next opportunity for the collection of this data.

**MR STANHOPE** (Leader of the Opposition) (11.18): I would like to speak on this important motion in relation to unpaid work. It is important for us to concentrate on why it is necessary for us to acknowledge, fully understand and record the value of unpaid work. The activism within the community and elsewhere at the moment in relation to the importance of us recognising unpaid work and the need for us to record the level and extent of unpaid work is being facilitated by the Women's Action Alliance. I acknowledge, Mr Speaker, that representatives of the Women's Action Alliance are in the gallery today.

It is important that we ask why it is that women, in particular, have pursued this issue with the vigour that they have and why it is that women, in particular, have insisted on the importance of us recognising the value of unpaid work and the importance of unpaid work being measured. The subject goes back, in a sense, to issues around the community's understanding or expectation and acknowledgment of what is work in the first place. Historically, much of the work that women have done has not been seen, particularly by men, particularly by governments and particularly by the community, as work at all. The nub of the issue is that historically, perhaps since the year dot, women have borne the burden of the double shift, the double burden of seeking to maintain a family materially throughout the day and of maintaining a home or household.

Notions around the role of women within society and the extent to which we acknowledge the work that women do in a modern sense in both the paid and unpaid work forces are at the crux of the debate about the need for us to acknowledge and recognise unpaid work. We need to make the fundamental point that this debate is not so much about the value of volunteer work done in the community by both men and women. It is, essentially, a debate about the nature of the role which communities are expecting women to play increasingly, with so many women working in the paid work force still assuming an unfair burden of the unpaid work. There is a real need for us as a community and a society to address the fact that it is still the case, even in these days when a majority of women choose, are required or, by personal circumstances, are forced to participate in the paid work force, that after work, after knock-off time, those women are going home and, under their domestic arrangements, continuing to do a majority of the unpaid work.

I will get back to that after I have spoken about the other issues around the importance of governments and communities acknowledging the enormous valuable contribution or extent of unpaid work. We need perhaps to reflect on what that has meant, particularly for women, over the ages. There is a debate we still need to have around the extent to which we as a community value the paid work which women do. There is still a live debate in the community today about the different levels of remuneration which men and women enjoy within the paid work force. There is a continuing debate, a drastic and desperate debate, about the extent to which women are still confronted by glass ceilings. Many of the problems about pay rates, equality of access to senior positions, equality of access or opportunity in relation to appointments to statutory boards, equality of access or opportunity in relation to parliaments, equality of opportunity or access in relation to so many structures within the community are to some extent, in an historical sense which we perpetuate today, a result of decisions or values that society has placed on the contribution and role of women.

Let us pursue the point or the issue in relation, for instance, to so-called traditional women's employment, say, nursing. Society once deigned nursing not so much as a profession, not so much even as work, but as a vocation and, because it was a vocation and because it was a female vocation, it was a vocation that did not demand the same sorts of rates of remuneration as so-called real work demanded. What do we find today, after 150 years or so of the vocation of the Florence Nightingales of the world, a vocation for which women did not dare demand an appropriate recompense because it was not really real work, it was an extension of women's work, and therefore the community could demand that women pursue this vocation without any expectation of a fair and just reward or remuneration?

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Today, women still dominate within that profession and we still find in relation to both nursing and that other so-called women's work of teaching our children that amongst the professions theirs are the two professions that continue to be so poorly remunerated and put at the bottom of the pecking order in relation to fair rates of pay, with a whole range of consequences, and continuing consequences, for women and, certainly, for society and the community.

The crisis that the Canberra Hospital finds itself in today, with the alarming headline of today's *Canberra Times* that there is an emergency action plan at the point of being instituted which requires the calling in of the defence forces to staff the hospital, is a reflection of the fact that we can no longer attract people to the profession of nursing. In other words, the issue about the extent to which we value women and the work women traditionally did has now reached the circumstance where we cannot staff our hospitals because we continue to perpetuate the myths that actually beset the nursing profession at the point of its establishment.

That is why it is so important that we have this debate. That is why it is so important for the government to properly understand issues around the level and extent of unpaid work. It goes back to the definitions of work, the understandings of work and the extent to which definitions of work have impinged and impacted on women, in particular. The Australian Bureau of Statistics, in all of the work that has been done in relation to the value of unpaid work, shows that to be the case. On any of the accepted measures of the value of unpaid work, and a whole range of measurements can be used, such as a market replacement cost method, a gross opportunity cost method and a net opportunity cost method, we find that most of the unpaid work, over 65 per cent, across all of these methodologies is carried out by women.

It is important to put that in some context. The Chief Minister spoke at length on the value of volunteering to community work. I do not discount that, it is incredibly important, and I endorse everything he said. But the major aspect of this debate is not about volunteer and community work, which comprises, I think, less than 10 per cent. Ten per cent of the total value or contribution of unpaid work or workers in the community is actually coming from doing voluntary community work. The other 80 per cent is coming from women at home. That is what we are talking about here. The debate here is about the value of that contribution that is made voluntarily. This is essentially not a debate about the value of volunteer and community work. That is another debate. This is essentially a debate about the need to recognise the enormous contribution in terms of the national economy which women make to the unpaid domestic work that is done in the nation. (*Extension of time granted.*)

On each of the costings that the Australian Bureau of Statistics has supplied, the level of work that women do in the unpaid work force is almost equal to the national GDP. That should be measured, because not measuring it perpetuates myths about whether what is not remunerated is, in fact, work. Once you begin to assume that, if it is not remunerated, then it is not work, then the majority of the work that is done outside the paid work force, work which is done by women, is not recognised really as work. It is not valued, because culturally we value what we pay for. If it is not paid for, there is a cultural assumption that is it not really work, it is not valuable, the corollary being that those who undertake the work are not to be valued for their contributions.



If you pursue this debate philosophically, you can get some real measure of the extent to which we do not value the work of women or work outside the remunerated work force by looking each year at the Australian honours list. There is one so-called objective measure of how we as a community value our citizens. Take a look at the Australian honours list every year. Take a look at the number of people who biannually receive honours. Take a look at the sort of work that we as a nation applaud, recognise, embrace and acknowledge. Every year since the year dot, since the inception of those awards, less than 30 per cent of those awards have gone to women.

We can draw some analogies from that. We can use these figures to analyse what it is that we value. As a community, we do not value what we do not pay for. To the extent that we find on any analysis of the figures in relation to unpaid work that 65 per cent or thereabouts of all unpaid work is done by women, we have an interesting correlation there with that objective biannual statement of what it is that we as a community value. We certainly do not, through our awards and honours system, value the role and contribution of women to society. I think there is a correlation there. If one looks at those awards and then looks at the sorts of things which we, through that form of acknowledgment of what roles and responsibilities we as a nation applaud, one will find that it is not the unpaid work of women within our community, despite the fact, as I say, that in value it is equal to the entire national GDP and it is not measured. I think that is at the heart of the debate we are having. It is a debate about the need for us to concentrate on how we as a community and how we as politicians continue to recognise, acknowledge and mark the role of women, in particular, within our community.

I am acknowledging in all of my comments that there is a significant level of unpaid work performed by men, and I do not wish to devalue that at all. But the unpaid work about which we are talking here is unpaid work which is predominantly done by women and historically, traditionally, issues around unpaid work, the definitions of work and notions of work impact so much more severely on women than they do on men. But I acknowledge and do not downgrade or denigrate the significant role which a significant number of men also play in the unpaid work force, both at home in the domestic sense and in relation to volunteer and community work. This motion is very important and should be taken seriously and we should take the lessons that need to be taken from any consideration of notions around unpaid work.

**MS TUCKER** (11.32): Before I start, I will move the amendment to this motion that has been circulated in my name. I move:

Paragraph (4), omit the words after “collected”, substitute “in five yearly time use surveys which may include data gathered in each census.”.

I am seeking to change paragraph (4) of Mr Wood’s motion, which relates to advising the federal government of the ACT’s request for relative data to be collected, by adding the words “in five yearly time use surveys which may include data gathered in each census” to be more specific about what the Assembly actually wants to occur. As some members have already articulated and agreed, there is great importance in understanding what is happening in this area of volunteer work and the time use surveys will enable policy makers to have such an understanding, which is critical if policy making is to be informed by the realities of life for people in this country. We would like to see policy

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informed by understanding. It would be very good to see that happen. In fact, it does not happen nearly enough.

It has been a constant surprise to me how much public policy is not founded on any real information. The ABS measures many aspects of life and these statistics are very useful and important foundations for government policies and programs and for everyone to understand what is going on in society. For example, there is a census question on our journey to work which is useful in planning bicycle paths, bus routes and so on, but the information available to policy makers, in which group I am including parliaments, government departments, academic researchers, community bodies, community services and peak bodies, is determined by the questions asked.

Mr Wood's motion asks us to make a strong statement about our needs for information on voluntary and unpaid work, the work done in the community and in the home, shops, and family. How important is unpaid work in our community? To answer this question, we need statistics. We need to have case studies and anecdotal evidence brought into a form that we can understand. There has been a lot of talk today about the fact that it is mostly women who undertake unpaid work in our society, although I understand that there was a case recently where a widow was awarded some compensation because of the unpaid work her husband would have carried out; so it is not just about women, but it is certainly more about women than about men at this point in our society.

The ABS says, apparently, that there is a problem with collecting information about what people do that is not paid for. In Canada the experience has been that people underestimate their voluntary work when they answer the simple questions appropriate to a census question on usual major activity. When there was a more open question, the answers were not standard, so the ABS relies on time use surveys to gather the information. I understand that that has occurred twice, in 1992 and 1997, and the proposal now is to turn such a survey into a 12-yearly collection, which we are opposing today through this motion.

The problem with increasing the time between surveys is that it is much harder to see when changes occur in the level and type of unpaid work being done and who is carrying it out. With the current moves to make fundamental changes to our welfare system, I believe that this probably will mean quite a lot for people who are in unpaid work. It will mean quite a lot to the number of people who end up in unpaid work as well. There could be an increase in carer time. It is very important that we have an understanding of what is going on.

I want to refer to some of the objectives of the Office of the Status of Women, because they paint a pretty clear picture of why we need to have such information. If we accept that the Office of the Status of Women has as its objective to ensure that women are not discriminated against in our society, we will take seriously what it sees as necessary towards achieving a situation in this country where there are equal rights and entitlements for women and for men. The office says that really important work has to be done on developing a strategy on savings across lifestyles to promote adequate retirement incomes for women. That is clearly very significant.

What are the retirement options of women who are doing unpaid work? The Office of the Status of Women talks about promoting the inclusion of gender equity benchmarks in relevant policies and programs throughout the commonwealth government. Obviously, it is critical to understand who is not working in doing that. The office talks about encouraging portfolios to include gender equity performance indicators in future policy. It says that economic self-sufficiency and security for women depends upon access to jobs, training and education, child care, equal pay, a fair division of family responsibility and adequate superannuation and income security. The office says that a work force that makes the most of its people and does not discriminate on the grounds of sex is essential for a well functioning economy and that economic security is essential to providing women with the ability to make choices about how they want to live their lives.

The question clearly is: how do these objectives work? How can you ensure that women who are, on the whole, taking on this unpaid work are going to be accommodated in all these essential areas for life? I have not seen any real commitment from any state or federal government at this point to apply a gender analysis to its policy development. There is an assumption across all governments that policy is gender neutral. Clearly, it is not. The federal government's approach to industrial relations is a good example. If you look at whom in particular is benefiting from or suffering under that government's industrial relations legislation, you will find that it is women. Women are least likely to be in an industrially strong union. Women are most likely to be in part time and casual work. Moving away from industrial relations and back to this motion, women are most likely to be working for nothing at all. We have to take account of that. It has to be integrated in a central way into any decisions made at a state or federal level.

**MR WOOD (11.41):** Mr Speaker, in briefly closing this important debate, I thank members for their very positive contributions. With you, I trust that in years to come the measures we have called for will be put into practice.

Amendment agreed to.

Motion, as amended, agreed to.

## **Midwives—affordable professional indemnity insurance**

**MS TUCKER (11.42):** I move:

That this Assembly calls on the Government to take all necessary steps to ensure that affordable professional indemnity insurance is available to independent practising midwives working in the ACT, before their current insurance policies expire, and until a workable national solution is found and implemented.

This motion is about women having choice to determine who provides their care during pregnancy, when they give birth and during the immediate postnatal period. It is also about the government taking an active role in promoting the most appropriate and cost-effective care for the majority of women that can experience a normal pregnancy and birth.

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There are approximately 200 independent midwives in Australia. Eighty of these midwives, including two in the ACT, have policies for professional indemnity cover with Guild Insurance. On review of their policies, Guild has decided not to cover independent midwives as their policies become due for renewal.

The two ACT midwives face losing their indemnity insurance, by the end of August for one and mid-September for the other. They have stated they will not practise without professional indemnity insurance. The need for government intervention is therefore urgent.

These midwives are contracted to provide comprehensive one-on-one care for pregnant women. This care includes all prenatal visits, the birth, and care postnatally for up to six weeks. These midwives work collaboratively with other specialist maternity care providers in the ACT. The cost of the entire package of care is considerably less than a caesarean section alone. Twenty-two women have already approached these midwives to provide their care and will be forced to take on publicly funded care if the midwives are not insured.

Currently, women who choose the care of an independent midwife bear the entire cost themselves. Independent midwives are not recognised by Medicare. Women who contract the services of an independent midwife are saving the government thousands of dollars. If the 22 women previously referred to that have chosen to be cared for by an independent midwife return to the public system, it will cost the public purse an extra \$88,000, conservatively. Over an entire year, with each of the two midwives taking on 40 women, the government can save \$260,000.

The alternative is for these savings to be lost and further economic pressure placed on an already stressed public health budget. These figures are based on the *Australia's Mothers and Babies 1998* report produced by the Australian Institute for Health and Welfare and, if anything, are a little conservative in their estimation.

Childbirth is a very significant part of the health system. It is the single most important reason for hospitalisation, and accounts for the greatest number of hospital bed days. If this government is interested in providing appropriate and cost-effective care that does not rely on acute services, then they will take action to support this motion.

In *Setting the Agenda* the government outlines directions for health and community care. A number of these directions will be disregarded if independent midwives are forced to cease practice. One need go no further than the introduction:

We need to promote and improve health... This requires ... a shift from a narrow focus on illness treatment to a broad focus on health and wellbeing and on improving partnerships.

In relation to improving costs, the government said in *Setting the Agenda*:

The Government has made a commitment to reduce ACT health costs ... This can be achieved ... by finding new, innovative and more efficient ways of providing health services.

Among the areas for action, we read:

To make sure our health resources are used in the best way possible, we will make explicit choices of priorities in health care, based on scientific evidence ...

Primary health care supports people to manage their own care and assists in maximising their independence.

The World Health Organisation has shown that the best birth outcomes are achieved when a woman's prenatal and postnatal care and attendance during birth are undertaken by a known midwife. This is known as continuity of carer. The importance of this care has also been recognised by at least six inquiries at state and federal levels, with little or no action taken on recommendations made.

The Canberra midwifery program provides care closest to this care. However, the Canberra midwifery program cannot guarantee continuity of carer, even though it aims for this. Women are cared for by a team of midwives. It is hoped that a woman will meet with all midwives on the team throughout her pregnancy, but when she arrives at the birth centre it is quite possible she will be cared for by a midwife she hardly knows.

According to the ACT maternal and perinatal tables 1997, the most recent available, the birth centre contributes only 7.9 per cent of total births in the ACT. The Canberra midwifery program, because of a lack of resources, currently turns away between eight and 14 women per month that seek midwife-based care. This is contrary to recommendations made in 1997, when the community midwives pilot project was evaluated.

Recommendations were that one small team of midwives employing the continuity of care model should become an option for all women in ACT maternity services, that all women should be assured continuity of carer from known midwives throughout the entire maternity period and that future community midwife programs should give women the right to choose the place of birth.

State health departments are propping up an extremely costly medicalised maternity system in terms of dollars and customer satisfaction. Despite our maternity services being medically led, Australian perinatal death rates and premature birth rates are not as good as those in countries such as New Zealand, where healthy women are mostly cared for by midwives.

New Zealand has recognised the importance of midwife-based care. They provide women with a birth payment that enables them to contract the services of their choice. Seventy per cent of women in New Zealand are now choosing a midwifery only service. That is from the New Zealand Health Funding Authority reference document "Maternity Services" dated November 2000.

In Australia the only state government that has recognised the benefit of supporting a midwifery-led service is Western Australia, and the results from the WA community midwifery practice are stunning: lower rates of caesarean section and instrumental births and higher rates of breastfeeding in the first evaluation. They are going from strength to strength.

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Doctors are specialists in caring for women's complicated pregnancies, yet they are the lead carers of most pregnant women within state maternity systems and for all in the private health system. Health departments have been slow to implement the recommendations of the World Health Organisation, the NHMRC and the state ministerial inquiries into childbirth services that called for more use of midwives within the maternity services in the 1990s. Similar recommendations from the Senate inquiry into childbirth services are only recently being recognised.

Midwives are specialists in caring for normal pregnancies, keeping in mind that normal pregnant women make up about 85 per cent of the total child-bearing population. The ratio of midwifery-led care to obstetric-led care needs to change. With a caesarean rate of 20 per cent in the ACT, without any other intervention, normal healthy pregnant women are having unnecessary interventions that are placing undue strain on the health budget.

Many concessions have been made in recent months to obstetric models of care, with pregnant women being encouraged to give birth in private hospitals and promises being to reduce the gap in rebates for doctors' fees. At the same time, the basic option of continuity of carer from a known midwife, the model that is strongly supported by research evidence, is being withdrawn. This is absolutely unacceptable. It defies best practice standards, removes the midwife's livelihood, is not in the interests of the consumer and is causing great distress to women who have chosen to give birth in the care of a midwife.

In supporting this motion, members will demonstrate that they believe in the right of women to choose who cares for them during this very important time and that this territory values the most appropriate and cost-effective maternity care.

**MR MOORE** (Minister for Health, Housing and Community Services) (11.51): Next year, when I am not a member of this Assembly and when some others here are not members of this Assembly, I would recommend to former members that when they wish to lobby they do as I will do and go to Ms Tucker and put their case. The big advantage of going to Ms Tucker and putting their case, provided you bring enough information, is that you will know that she will put just your side. She will not worry about the other side. Your side will be put so clearly and concisely that you will not have to worry. That is what I will be doing, Ms Tucker. You will probably see me quite regularly when I think it is important to lobby on something.

The aim of Ms Tucker's motion appears to be to ensure that the option of home birth is available to women and families in Canberra. I think that is something we would all agree with. We would all hope that that would continue. It is a good aim. The objective is shared by the government, but we go much further than Ms Tucker. We also have to ensure that the choice is an informed one. We have to ensure that there are no unsafe practices. We have to ensure that there is adequate skills-based backup available in the hospital when emergencies occur and that the availability of safe home birth does not put other more mainstream birthing services at risk.

What we have here is a simplistic intervention by Ms Tucker, an intervention that will not guarantee the critical aspects of care for women and families in Canberra. To rectify this, I have circulated a very minor amendment to Ms Tucker's motion. I move:

Omit “necessary”, substitute “appropriate”.

We recognise what Ms Tucker is trying to achieve, and we agree with that. We disagree with the method of going about it. Solutions do need to be found to the home birthing issue, but a knee-jerk reaction to subsidise professional indemnity insurance for self-employed midwives is not the answer. It will create many more problems than it solves.

Ms Tucker has no solid evidence that the indemnity insurance is not still available to independent midwives. While Guild Insurance has made a decision to withdraw, they are not the only insurers available in the market. For example, Victorian midwives are not insured with Guild but through the ANF with MCA Insurance. I have received advice that other insurers have also not ruled out providing cover. It seems to be a beat-up to get government to intervene in a knee-jerk fashion.

I understand that the Victorian Labor government—John Thwaites is a very competent health minister—has demanded proof that no insurer is available in the market. I am surprised that we have not seen the same demand here.

A responsible approach to this issue must also consider the impact on other providers of birthing services. There are two independent midwives in the ACT and about seven VMO obstetricians, as well as four staff specialists who provide a great many more birthing services to ACT residents in our public hospitals as well as in the private sector.

These VMO obstetricians are experiencing increases in their indemnity premiums. You may recall that there were concerns that they would not continue their services in our public hospital last Christmas. A great deal of negotiation has gone on to come up with some arrangements to keep these doctors in our public hospitals. If the Assembly intervenes to subsidise self-employed midwives, you can expect further demands from this group regarding their premiums. We will not be subsidising just two independent midwives; we will also be subsidising the VMO obstetricians. Then no doubt we will be subsidising the GP obstetricians who will line up.

But it does not stop there. I have with me a letter I wrote only yesterday or the day before in reply to the Psychologists Board. The Psychologists Board are also trying to find assistance with professional indemnity insurance for psychologists. So before long the psychologists will also line up. Every private practitioner contracting to government will be looking to government to pay their professional indemnity insurance. This is not the appropriate way to deal with this issue.

We have to find solutions. I met with the midwives and sought to find solutions. They put out a press release not so long after saying I was doing nothing. I have to say that it was offensive and entirely inappropriate. Let me give you an indication of why it was offensive and tell you some of the things that have been done. When health ministers met in Adelaide last Wednesday, they discussed this issue at length. I put it on the table, the same as I had put medical indemnity insurance on the table some time ago. On my motion, they referred the issue to the national working group looking at changes to existing medical indemnity arrangements to provide a sustainable way forward. The working group, which is chaired by the chief executive of the ACT Department of Health, Housing and Community Care, is particularly looking at better ways of managing the long-term care costs, the key factor driving premiums up.

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There is nothing to suggest that there is more litigation associated with home births. But when something does go wrong and the practitioner is shown to be at fault, the settlements, particularly in birthing, can be massively expensive. We have already seen settlements of over \$10 million with regard to birthing.

Those settlements include a case where a judge said that he was not sure whether it was the medical practitioner who was at fault, but since the particular situation required money for the child he was going to award it anyway. This is one of the difficulties we have to work through.

The working group is looking at fundamental structural change and the best solution to the vexed medical indemnity issue. It is an extraordinarily complex issue that is not simply resolved in this way. It is appropriate that you call on us to do the work. It is appropriate that we do the work, but it is appropriate that we do it in the most effective possible way. The work is going on.

In the meantime, the government intends to explore the prospect of making home birth an option available within our public system. This is something I raised in *Setting the Agenda*, which I was pleased Ms Tucker quoted. Her speech was remarkably close to the argument put to me by those midwives who came to see me some time ago, so I presume she has used largely their information.

I have spoken to Professor Elwood. He has agreed with me. I spoke to him some three years ago about this issue. We will certainly look at extending the public program, which currently has a strong midwife element in it, to home birth. It is the appropriate time to do something that I have wanted to happen for some time.

Rather than knee-jerking about the costs of self-employed midwives, we want a model of care that is safe and that ensures that the woman and her family are well informed and that there is safe back-up available in hospital. Government must not close its eyes to quality and safety, nor must this Assembly. Quality and safety issues are fundamental to what is happening in Australia at the moment.

Government should not subsidise practitioners when it has no control over the safety of their practices or the way in which high-risk births are screened out of the home birth option. In the ACT we already have a team of midwives who provide continuity of care to women, with a midwife in attendance, at the birthing centre.

Having spoken to Professor Elwood, we intend to explore extending the program to allow a home birth option under safe, well-informed arrangements. I am not prepared to guarantee that I can do this very quickly. We will work on it, and we will work as quickly as we can, but we will do it in the proper way. We will make sure that the stakeholders who are involved have a say and have an opportunity to participate. But I will be requiring a report on progress shortly. I am happy to share that progress report with members of the Assembly in the Assembly or to distribute it when I receive it.

Ms Tucker referred to the only other model of home birthing being in Fremantle. I am certainly aware of the one in Fremantle. But a model very similar to the one we are planning for the ACT is in place in north Adelaide. The South Australian government



employed midwives and offered birthing services in four major Adelaide hospitals as well as a home birth option. The home birth option, as I understand it, accounts for about 20 per cent of births in north Adelaide. It is a slightly different model from that in Fremantle. The outcomes from the Adelaide model, according to the South Australian health minister, on an anecdotal basis, are quite good.

The situation we face here is similar to what happened in the United Kingdom about seven years ago, when indemnity cover became difficult. The result in the United Kingdom was that midwifery services were successfully integrated into the public health system, protecting quality and safety, providing skilled back-up and being underpinned by a woman's right to choose.

We need to go for a successful outcome. Recognise the intent of Ms Tucker's motion, accept my very minor amendment to it, and allow us to get on with the work of delivering a safe and appropriate method of offering the option of home birth. We should not seek to have government simply subsidise or pay the medical indemnity insurance of people who contract to government. The precedent is unacceptable.

**MR STANHOPE** (Leader of the Opposition) (12.02): This debate is very important. Mr Moore, in his response to Ms Tucker, moved an amendment to include the word "appropriate" instead of the word "necessary". I guess the word "necessary" was ambiguous. I guess it is as ambiguous as the word "appropriate".

Perhaps it comes down to a question of why we should seek to support midwives and the prospect of home birth and what might be appropriate. In the context of what is appropriate I will go initially to some analysis of the position the government has adopted in relation to medical indemnity insurance for doctors.

**Mr Moore:** We are prepared to do the same for midwives.

**MR STANHOPE:** That is interesting. I guess the midwives would be pleased to hear that the minister has promised that he will do for midwives precisely what he has done for doctors. It is appropriate that I read from the latest edition of *Canberra Doctor* what the government's response to the doctors has been. This is an article by the head of the AMA:

In response to the "call" by UMP, and the possibility of a seriously depleted VMO workforce, Health Minister, Michael Moore, applied the resources of government and his department to develop a package which would cover the public and private practices of VMOs (and salaried specialists).

AMA branch president, Dr Bob Allan, raised the issue in October 2000 at crisis meetings with the minister for health and departmental CEO, Dr Penny Gregory, immediately prior to and after Christmas. The article goes on:

In informing the VMOs of the proposal, the ACT Department of Health advised in recognition of the continuing difficulties faced by doctors working in Canberra's public hospitals concerning medical indemnity, the ACT Government has developed a proposal to use the combined buying power—

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The minister has just promised to do this for our midwives. The minister has promised that, in recognition of the continuing difficulties faced by doctors working in Canberra's public hospitals concerning medical indemnity, the ACT government has developed a proposal to use the combined buying power of the government and these doctors to negotiate a better solution. The minister is now going to use the buying power of the government to ensure that this is applied to midwives as well.

**Mr Moore:** I have done it already.

**MR STANHOPE:** I am putting on the record what you have just promised to do. You have just promised to use the combined buying power of the government and the midwives to negotiate a better solution which provides for midwives premium security and coverage which shifts some of the future risks of escalating costs of patient treatment onto the government and which will involve midwives in the tender selection process to get the best private practice insurance product to meet their needs. That is the promise the minister has just made to midwives. We will now go through the details.

**Mr Moore:** No, it is not.

**MR STANHOPE:** You have just said that you will do for the midwives exactly what you did for the doctors. Let us look at *Hansard* and what you said you would do. You said that you would do for midwives what you did for doctors. We all heard you just say that. Let us look at what you propose to do.

**Mr Moore:** Do not misrepresent me again. I will stand up and make it clear to you. I said that I have already taken action on it.

**MR STANHOPE:** The minister has taken action. He is not prepared to do for midwives what he did for doctors.

**Mr Moore:** You give me the shits.

**MR STANHOPE:** Mr Speaker, the minister's foul language needs to be addressed. I will not repeat what the minister just said, but I think you need to keep an ear on Mr Moore's foul language in this place.

**MR SPEAKER:** I did not hear it.

**MR STANHOPE:** I did, Mr Speaker. Can I ask you to keep an ear on Mr Moore's foul language across the chamber.

**MR SPEAKER:** If Mr Moore did use that, I shall ask him to withdraw when he comes back. I am not arguing about your words, Mr Stanhope, believe me.

**MR STANHOPE:** I do not want to edify what he said, but I think you need to keep an ear on his language across the chamber.

**MR SPEAKER:** Mr Moore, did you use foul language before you left the chamber? If so, please withdraw.

**Mr Moore:** Mr Speaker, it depends how you interpret it, but when I continue to hear the self-righteous nonsense from this man, then I may well be tempted to use foul language. If Mr Stanhope thinks “You give me the pips” is foul language, so be it.

**MR SPEAKER:** I cannot rule on that word. I trust no other word was used. If it was, I must ask you to withdraw it.

**MR STANHOPE:** Perhaps I did not listen to the minister’s speech as closely as I should have, but I thought in his speech he was saying that in meetings with the midwives he had addressed their concerns by suggesting that he would do for them what he had done for the doctors. He made the point that he did not think it was appropriate for the government to start picking up indemnity insurance premiums. We can have a debate about that. He suggested that he would not do that for doctors and asked why he would do it for midwives. He went on to indicate very firmly, and led me to believe, that what he was doing was saying he had no difficulty doing for midwives what he was doing for doctors. So we go to the record on what it is that he is doing for doctors.

**Mr Moore:** The gospel of the *Canberra Doctor*.

**MR STANHOPE:** This is interesting. The minister now suggests that the AMA’s newsletter misrepresents his position. Let me put on the record the AMA’s understanding about what the minister is doing. The minister now suggests that perhaps the AMA have got it wrong. It appears that none of us here heard what he said. It is appropriate that I read into the record what the government is prepared to do for doctors. This is the proposal that the AMA apparently, in the understanding of the AMA, has worked out with the government:

The Medical Indemnity Cover Proposal is based on using the combined purchasing power of ACT specialist doctors and the Government to get a better overall deal for ACT specialists.

I thought what the minister was saying was that we could replace the word “specialist” or “doctor” with “midwife” wherever occurring. I think in our reading of this we should do that. The article further states:

Specialists will pay the Government in a manner yet to be agreed, their indemnity premium at the level they paid for 2000/2001 and the premium will be used to arrange a two part program:

- the ACT Public Practice Scheme, which will cover all ACT public work; and
- the Specialists Private Practice Arrangements, which will cover all private practice in the ACT and any practice outside the ACT.

If we can develop a private practice scheme for VMOs, I am pleased to hear that apparently are we going to develop a private practice scheme for midwives. The article goes on:

The ACT Public Practice Scheme will be administered through the ACT Treasury. The Specialist Private Practice Arrangement will be put out to tender, with a tenderer being selected by a Tender Panel.

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The tender will seek to have premiums fixed for 3 years, unless a doctor has a poor claims experience, when premiums could be adjusted in that period. Part of the premium will be used to fund the Private Specialist Private Practice arrangements with a cover provider being sought by tender. The remaining premium will contribute to the costs of the ACT Public Practice Scheme.

So I am pleased, I think, that we are going to include midwives in such an arrangement. Why can we not include midwives in such an arrangement? Surely we can. The article is quite detailed. The government has obviously done a lot of work on this, so it will not be hard to attach midwives to the scheme. The article goes on:

The scheme will provide:

- claims incurred cover for all ACT public patient work carried out by Visiting Medical Officers (VMOs);
- unlimited cover for this public work;
- an insurance based product—the cover will be contractual, not discretionary; and
- claims management ...

The article gives quite long details of the specialist private practice arrangement. I will not go into all the details of the specialist private practice arrangement.

**Mr Moore:** Jon, what date is that *Canberra Doctor*?

**MR STANHOPE:** February 2001. They are the arrangements, as we understand them, in relation to what this government, this minister and the department of health have worked out for doctors. I guess what Ms Tucker's motion goes to is: will the government apply the same vigour, the same energy and the same level of commitment of government resources to ensure that women in Canberra have access to independent midwives with a capacity to deliver babies at home? That is what we need to ensure. That is what the motion is aimed at achieving.

I would hope that the government can negotiate with the midwives to facilitate some such arrangement, because it is important that the prospect for the continuity of care and the continuity of carer that independent midwives provide for expectant mothers be safeguarded and protected. That is what Ms Tucker is seeking to achieve here. (*Extension of time granted.*)

Much could be said about why it is vitally important that we ensure within Canberra that the option of home births is retained and why it is that significant numbers of women choose to have babies at home, with all of the health benefits that accrue from the continuity of care and carer provided through home birthing opportunities and independent midwives.

We could also have a debate about the level of resourcing of the birthing centre in the ACT. We could have a debate about whether or not independent midwives, as they do in other states, should have access to public hospitals in the eventuality that one of their clients chooses at the last moment, either as a result of a developing aspect of the pregnancy, to have their baby in a hospital rather than at home, perhaps through circumstances they cannot control but as a result of a decision at the end. We here in the

ACT have not followed the example that other states have set by allowing independent midwives in those circumstances to remain with their client to the point of birth.

That is another debate we could have about why it is so important that we maintain this option for women. It is consistent with so much of what the minister espouses, particularly in *Setting the Agenda* and his stated overall objectives in relation to the health system. It seems to me that independent midwives fall fairly and squarely within the structure of the health care delivery system that the minister sought to outline in some of his public statements in relation to health care in the ACT.

All the motion does is ask the government to show the same level of commitment, the same level of energy and the same level of vigour to women and to midwives as it is prepared to show, justifiably and appropriately, to doctors.

**MR MOORE** (Minister for Health, Housing and Community Services): Mr Speaker, I was going to take a point of order under standing order 47, but I seek leave to give a brief response to Mr Stanhope.

Leave granted.

**MR MOORE:** Mr Stanhope challenged me to do the same for midwives as I will for doctors, to which responded, “Yes, I will.” He then went through a series of measures that I am supposedly putting in place for doctors. In quoting from the February edition of *Canberra Doctor*, Mr Stanhope probably does not realise that we have moved a long way on from what was being negotiated then to get a satisfactory solution. There is a difference between what you read and where we are now.

Doctors now have a direct relationship with an insurance firm by the name of St Paul. That insurance firm is able to provide a significant reduction in the costs of medical indemnity insurance for a range of medical practitioners. I have suggested to the midwives that they approach St Paul. In fact, I went further and used the consultant we are paying for, Mr Rex Spinley, to approach St Paul on their behalf.

St Paul asked the midwives—I think it was the national group of midwives rather than the specific ACT ones—to provide the statistics that are necessary for an insurance company to make a judgment about insurance. On the last briefing I had before I went to Adelaide, they had not provided that information to enable St Paul to offer them appropriate indemnity insurance.

Using not only my good offices but also the buying power of the ACT government, I am prepared, and have been, to try to get a better outcome. It goes a bit further than that. Dr Gregory is the chair of the national body that is looking at medical indemnity insurance, so we also have, if you like, some extra impact on that body. That is being used as well. I have taken this seriously, and we do take it seriously.

Mr Stanhope and Ms Tucker, quite rightly, identified where we are going as set out in *Setting the Agenda*. That is why we are prepared to do this work, why we are prepared to get the best possible outcomes, and why I accept the motion. I want to make it a little bit clearer. I think Mr Stanhope is right that the word “necessary” and the word “appropriate” are somewhat ambiguous. If the Assembly says that “necessary” is the

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right word, I can live with that. I thought I would try to make sure that the Assembly understood that I was doing everything I could in an appropriate way rather than everything I could, which could perhaps be misinterpreted as meaning that there was something I was doing. I tried to explain where I thought it would be inappropriate. That was the thrust of my speech to the Assembly.

The medical practitioners who work in our government hospitals and our government services have an extra commitment in that area. But we have used our good services to apply our buying power for our independent midwives as well. I am not sure that it will work for two people here and a bigger range across Australia. GP obstetricians right across Australia have stopped working because of the costs of medical indemnity insurance. That is something we have to look at. It is appropriate that we look at a wide range of possibilities.

I do not object to the motion. I said right from the beginning that the sense and the thrust of the motion are entirely appropriate. We have been doing, and we will continue to do, what we can to assist midwives. Mr Speaker and members, thank you very much for the extra time to clarify my earlier comments.

Amendment agreed to.

**MR HUMPHRIES** (Chief Minister, Minister for Community Affairs and Treasurer) (12.20): I want to make a brief contribution, Mr Speaker. I met with representatives of the midwives in question last Friday. I was able to discuss with them the concerns they had. I indicated to them much of what Mr Moore has indicated today in the Assembly—that the government was quite willing to assist in facilitating some solution to this matter.

I warned them that it was not possible to guarantee a solution, and that there was no opportunity for government to step in and act as the insurer and assume the risks and responsibilities which an insurer might assume in these circumstances. I indicated that arrangements which were parallel to or emulated the arrangements made for doctors would be considered and that we would facilitate this, if we could, within the timeframe that they were considering, which was before the expiry of their present insurance arrangements.

How this might be achieved was discussed, and I made the point to them that the government valued independent midwifery and wanted to ensure that it continued to take place in the city, but that there were implications for other health professionals and occupations if a blanket decision was made that government should ensure, under any circumstances, that such occupations continue.

The point has been raised, for example, that in the ACT at the present time GPs are very little, if at all, involved in delivering babies. At one stage a person would normally go to their GP and have the GP present at the birth of their child. These days that is very rare. In fact, I am not sure that it happens at all these days. The reason is very simple. The cost of insurance has gone through the roof, and these days it is no longer possible for ordinary suburban GPs to be involved in that activity.

Not surprisingly, GPs would be knocking on our door saying, "If you are going to facilitate the existence in the marketplace of these independent midwives, then surely GPs have at least as good a claim to the largesse of government to ensure that we also are able to deliver babies." That raises issues of equity.

The message we want to get to midwives and to the community today is that we are not turning our backs on independent midwives; that we value the role that they may play in the ACT health system; that they have a service to perform which some women in the ACT seek; and that we will see whether it is possible, within the constraints that exist on government, to deliver what they seek.

**MS TUCKER (12.23):** I am surprised the debate got as heated as it did. It appears as though no-one is going to support the motion anyway. It is obviously very important that this Assembly debate this issue at this point. The bottom line is that if something does not happen this month we may well not have independent midwives practising in Canberra.

I am pleased to hear that Mr Moore is working on the national level to address this problem, and I hope that it is resolved. This motion is about what is going to happen in the next month. We have not said in this motion that it requires subsidisation, but it may well do. I think I have made the point pretty clearly that the cost of that would be less than the cost of the births that would have to be carried out in the hospital.

I must correct one thing Mr Moore said. He said, "This is just about home birth." It is not just about home birth. Independent practising midwives support women who, for one reason or another, feel very insecure and unhappy about the hospital scene and employ an independent midwife so they have continuity of carer. That midwife obviously does not have visiting rights when the woman is in hospital or the birth centre, but that independent practising midwife can be there with the woman as an advocate. Independent midwives are also used in that way, and there is a cost saving as well as a quality issue.

It was a bit confused, but Mr Moore seemed to be saying that you cannot have subsidy unless you are sure that what is happening is safe. I do not understand that argument. Independent practising midwives in Canberra support women who choose home birth, and I have never heard the minister say in this place that something unsafe is happening. I understood that it was accepted that independent practising midwives were doing a useful thing in our community, giving women the support they choose when they choose to have their baby at home. That is already the case. We have that practice now in the ACT. As I have just explained, it is possible for the midwife to work not just with the birth but with the woman. It is a very important part of choice for women in Canberra. We are very concerned when we get to a situation we are in today, when we can see the potential for us not to have that choice anymore in the ACT.

Mr Moore also said that there is no solid evidence that no insurance is available. My understanding of the situation today is that the College of Midwives have had an offer, but it is \$15,000. The previous premium was \$1,900, so it is a question of affordability, which I put in my motion. So the motion is not just about professional indemnity. That would be quite simplistic, wouldn't it? Clearly, if you have the money and you can pay,

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then you pay. But that is not possible for these women. They do not have that level of income.

Mr Moore said that he is looking at a fundamental structural change to professional indemnity; that that is the long-term agenda. That is good but, as I said, there is an urgency issue.

Dr Elwood has apparently said that he is interested in working with Mr Moore on integrating home birth into the public system. Clearly, that would be of interest, and that may be a way that this could be dealt with. This is a long-term proposals to resolve the issue. We still have the problem right now of ensuring that these independent midwives are able to continue practising in the ACT. I hope Mr Moore or the government takes action to ensure that we do not end up in a situation where we no longer have independent practising midwives working in the ACT just because of inaction at this very critical time.

Motion, as amended, agreed to.

**Sitting suspended from 12.29 to 2.30 pm**

## **Visitors**

**MR SPEAKER:** Before I call for questions without notice, I would like to acknowledge the presence in the gallery of students from Canberra Girls Grammar. Welcome to your Assembly.

## **Questions without notice**

### **ACTTAB**

**MR STANHOPE:** My question is to the Chief Minister. An extract from the minutes of an ACTTAB board meeting of 16 January 1998 states:

The Chairman advised the Board that part of ... was a client of his firm, Duesburys, but was handled in another area of his company.

I assume the blacked out part was the name of a company. Can the Chief Minister tell the Assembly which one of the four shortlisted tenderers for the ACTTAB head office complex was a client of the chairman of the board's firm, Duesburys, and, having declared his interest, why did the chairman not abstain from casting a vote?

**MR HUMPHRIES:** Mr Speaker, I have no idea. I will take the question on notice, as Mr Stanhope might well expect.

**MR SPEAKER:** Do you have a supplementary question?

**MR STANHOPE:** Yes, thank you, Mr Speaker. I ask the Chief Minister to add to the question that he has taken on notice. In his answer will he confirm—and if so tell the Assembly why—that an employee of an ACTTAB director's company was appointed as the project manager to the ACTTAB board for its headquarters redevelopment project?



**MR HUMPHRIES:** I will take that on notice, Mr Speaker.

### **Motor vehicle registration charges**

**MR HIRD:** My question is to the Minister for Urban Services, Mr Smyth. Can the minister advise the parliament how much ACT motorists have saved since the cuts to registration charges came into effect on 1 July this year?

**MR SMYTH:** I thank Mr Hird for his question, which was a good question. The government is a government which, through sound financial management, has been able to give back to the people of Canberra some of the money that, I think, they richly deserve. As of the first month, \$950,000 from reduced motor vehicle registration charges has gone back directly into the pockets of Canberrans. As members of this place would be aware, the government has reduced the registration charge for motor vehicles by \$58 in this year's budget. We expect that to save Canberrans something like \$10 million a year. We have been able to do so because the government has turned around the financial position of the territory.

**Mr Stanhope:** How is the hospital going?

**MR SMYTH:** We have made up for the \$344 million operating loss—

**Mr Stanhope:** How many nurses did you get rid of?

**MR SPEAKER:** Order! I am not going to tolerate constant interjections.

**Mr Stanhope:** How many nurses did you get rid of?

**MR SPEAKER:** If somebody would like to be removed today, just keep it up.

**Mr Moore:** I take a point of order, Mr Speaker. As you were saying that, Mr Stanhope again interjected.

**MR SPEAKER:** The warning has been issued.

**MR SMYTH:** The reason we have been able to do so is that we have made up for Labor's \$344 million operating loss. We have now got a balanced budget and, in fact, we have killed Mr Quinlan's white whale.

**MR SPEAKER:** Do you have a supplementary question, Mr Hird?

**MR HIRD:** This is a good news story, Mr Speaker. The sum of—

**MR SPEAKER:** Ask your supplementary question, please.

**MR HIRD:** My supplementary question is about this good news story. The sum of \$950,000 for July is higher than I would have expected, given that the estimated saving for the year for ACT is in the order of \$10 million. Can the minister advise the parliament whether there are any reasons for the strong demand in July?

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**MR SMYTH:** Mr Speaker, I hope that the young ladies from Canberra Girls Grammar will look at the front page of the newspaper tomorrow morning, because this is a really good story, a good news story, for all the people of Canberra and I hope that it will be reported as such. I suspect that people are paying up front because they are afraid that, should Labor get into office on 20 October this year, it will take that away from the people of Canberra.

**Mr Quinlan:** Because he put out misinformation.

**MR SMYTH:** It is interesting to note Mr Quinlan's comment on the scheme when the government announced it in February. He said:

This 'initiative' is nothing more than a pathetic ... to buy the votes of the people of Canberra. Whatever reputation the Government had for fiscal prudence is being washed away by a torrent of expensive election promises which will lead us back into debt.

The motorists probably have realised that at the top of Labor's hit list to fund its promises is the scrapping of the \$58 reduction.

### **Budget forecasts**

**MR QUINLAN:** My question is directed to the Treasurer. I have noted his concern about the lavish election promises made by Labor. He is not quite so concerned about unquantified promises to increase funding to independent schools or to address problem gambling with \$1.2 million.

Yesterday the Treasurer tabled in this place the latest financial statements, the *Consolidated Financial Management Report*. It shows a projected surplus for the current financial year of \$45.6 million, no doubt a surplus born of your blood, sweat and tears. Given that this is possibly the last report of this kind that we will see before the end-of-year statements—about a week before the election, I would punt—can you confirm that that figure takes into account the supplementary appropriations made this year, including the \$30 million for HIH and the \$43 million mini-budget that was brought down?

**Mr Humphries:** That was last financial year.

**MR QUINLAN:** We are talking about 2000-01. The estimated figure for that is a surplus of \$45.6 million. But this place passed a \$43 million mini-budget and an appropriation bill for \$30 million for a HIH bail-out. Can you confirm that the figure of \$45.6 million takes into account all of those appropriations so that we all know what is available as we go into an election?

**MR HUMPHRIES:** Mr Speaker, I expect that the figures have been produced in the usual reliable fashion by the Department of Treasury to take into account all of the circumstances which impact on the making of a budget and on the monitoring of a budget's progress. So I expect that it would take into account the issues that were addressed by the Assembly last financial year in the second appropriation—the mini-budget, as Mr Quinlan puts it.

What that improved figure demonstrates above anything else is continuing strong performance by the ACT economy and a very strong outlook for the ACT government's management of the economy. I contrast the figures that Mr Quinlan has just quoted with the comments he made about the budget a few short months ago, which were to the effect that the budget surplus was "rubbery", that the projection of surpluses in outyears was a bit of a fantasy—

**Mr Quinlan:** I didn't say that.

**MR HUMPHRIES:** Or something to that effect—and that there was considerable doubt about whether the government could sustain a surplus in future years.

**Mr Quinlan:** No, I did not say that, either.

**MR HUMPHRIES:** I think you will find that you did, Mr Quinlan. I will get the things you have said and put them to you at the end of question time. I am sure we all recall Mr Quinlan casting serious doubts on whether the surplus was sustainable. In fact, Mr Quinlan, you said that the budget was actually in deficit and that it was only through trickery on the government's part that we were talking about surpluses.

Do I sense a change of heart in the Labor Party? "Maybe we were wrong to say that the surplus was not sustainable." Perhaps you were a tad wrong about that. If you are saying that our surpluses are sustainable and that we have managed the budget well enough to produce these majorities, these surpluses—that was a Freudian slip, wasn't it?—perhaps we ought to get credit for that. You cannot have it both ways, Mr Quinlan. You cannot say, "This government can't produce surpluses," and then rely on those surpluses when you want to say that you are prepared to spend some of that money in the context of the coming election campaign.

**MR QUINLAN:** I have a supplementary. I will infer from the fact that the Treasurer's answer started with "I expect" that it means "I don't know." Given this projected bottom line—after all those additional appropriations designed to get rid of any spare cash before an election campaign—I wonder if the Treasurer could advise the Assembly whether his current estimate of the surplus for the current financial year, 2001-02, might be revised upwards of the \$12 million that it stands at now.

**MR HUMPHRIES:** Mr Speaker, we are barely six weeks into the financial year, so it is simply impossible to say.

**Mr Quinlan:** It's a yes.

**MR HUMPHRIES:** No, it's not a yes.

**Mr Quinlan:** It's not a no!

**MR HUMPHRIES:** What is your people's line? Are you saying that our surpluses are going to be produced or are not going to be produced? You have run the line that our surpluses are not real, that they are rubbery, that they are a figment of our imagination.

**Mr Quinlan:** No, I am just asking you!

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**MR SPEAKER:** Order! You have asked your question.

**Mr Quinlan:** I know I have.

**MR SPEAKER:** Then don't interject.

**MR HUMPHRIES:** Mr Speaker, we have taken a conservative approach to budgeting for the future. We have said that we are going to be cautious about the territory's money and not bank on returns coming back that we cannot be sure of receiving. That is the approach we had when you said our figures were rubbery and that our surpluses were not sustainable. That is what you said, Mr Quinlan, and I will produce it later at the end of question time so that you can hear what you said. The fact is that you cast doubt on those figures and now you are seeing the evidence that, if anything, the figures have been conservative and that the strength in our bottom line is such that we are going to achieve the goals we have set for ourselves and the territory and perhaps then some.

### **Australian workplace agreements**

**MRS BURKE:** Mr Speaker, my question is to the Chief Minister, Mr Humphries. In light of a statement by Mr Berry entitled "Workplace tension to ease under Labor", which refers to an agreement reached between the ACT Labor Party and the ACT TLC that a Labor government will not offer new AWAs to ACT government employees and will not extend existing AWAs once they have reached their nominal expiry date, can the Chief Minister advise the Assembly of how many AWAs are in place and what benefits they offer existing staff, and what category of staff are most likely to enter into AWAs?

**MR HUMPHRIES:** Mr Speaker, I can give some advice to the Assembly about those AWAs. I have to say that at the present time there has been a very popular take-up of AWAs on the part of ACT—

**Mr Berry:** It is a condition of employment.

**MR HUMPHRIES:** No, it is not a condition of employment.

**Mr Berry:** They have to sign it.

**MR SPEAKER:** Order! Mrs Burke asked a question.

**MR HUMPHRIES:** AWAs are entirely voluntary. They are offered to employees in the ACT public service—

**Mr Stanhope:** If you want to work.

**Mr Hargreaves:** They are voluntary if you want the job.

**MR SPEAKER:** Order! Watch yourselves, gentlemen.

**MR HUMPHRIES:** If you believe that someone is being coerced to take out an AWA, you produce that person. Mr Speaker, I think we will have a deafening silence on that score.

As at 20 June this year 356 ACT government employees had taken up AWAs with the government and a further 55 were pending the approval of the Office of the Employment Advocate. Those AWAs provided a wide range of benefits to employees in the public sector—retention/attraction bonuses, skill enhancement bonuses, bushfire season allowances, clinical targeting bonuses, in-charge allowances, project completion bonuses, on-call allowances and so on.

**Mr Stanhope:** Do you reckon the person who measured the eastern route will get a bonus?

**MR SPEAKER:** Order, please!

**Mr Stanhope:** Will the person who measured the eastern route get a bonus?

**MR SPEAKER:** I warn you, Mr Stanhope.

**MR HUMPHRIES:** Mr Speaker, it is interesting that about two-thirds of these bonuses were available to professional staff in the health services area, including nurses, dentists and special staff in the ACT. AWAs are a very useful tool to attract staff and retain staff in areas where otherwise there is the likelihood of staff losses or heavy staff turnover. That is why the flexibility of an AWA is important. That is why you need to be able to say to a particular category of workers, “We value your skills particularly highly at this time. We want to see you receive benefits in order to retain you as staff on our payroll.”

There are other benefits—access to flexible salary packaging arrangements, enhanced increment points to reward high performance or skills levels, additional leave, and additional pay. The total value of benefits offered to ACT government employees is about \$1 million.

I am astonished that we have a Labor government in waiting telling us we are going to abolish \$1 million worth of benefits to ACT government employees. Of course, as the number of AWAs multiplies over time, which I believe will be the case if the legislation is in place to allow that to happen, more workers in the ACT government service will receive those benefits. It is not just a case of saying, “We like the cut of your jib, we are going to give you extra dollars.” It is a case of saying, “We see a need to manage our workforce in such a way that we target areas of deficiency and we put dollars in places where those deficiencies might otherwise arise.” It is very important that we retain key staff.

**MRS BURKE:** Mr Speaker, I ask a supplementary question. Chief Minister, in light of your answer, can you advise whether the ability to operate AWAs with such good benefits has contributed greatly to the retention of key staff?

**MR HUMPHRIES:** I thank Mrs Burke for that question. Mr Speaker, the evidence is that there has been very considerable improvement in the retention capacity in the public service as a result of that. We have been able to retain staff in key areas as a result. We

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have had problems in a number of areas potentially resolved because of the use of AWAs. This has been particularly the case in areas to do with health, legal advice to government and accounting.

I see that the Labor Party promises in the context of the coming campaign that they are going to have a regime where industrial disputation will be minimised. “Workplace tension to ease under Labor,” we hear Mr Berry’s press release trumpet. I have pulled out some of the headlines in the days when Labor was last in office. One newspaper article was headed “Berry not helpful: union”. The article stated:

Unions negotiating with the ACT Government ...

**Mr Corbell:** I take a point of order on relevance, Mr Speaker. This is not at all relevant to the supplementary question.

**MR SPEAKER:** We are discussing AWAs. I do not uphold the point of order.

**Mr Corbell:** Is that article about AWAs?

**MR HUMPHRIES:** It is about industrial relations. The article contains the words “enterprise agreement”—you can see that in my copy. This is the party that promises that “Workplace tensions will ease under Labor”. The article stated:

Unions negotiating with the ACT Government for a public-service-wide enterprise agreement were “really angry” and felt a meeting with Industrial Relations Minister Wayne Berry yesterday had “gone backwards”, the Trades and Labour Council said.

Further on in the article, Ms Maureen Sheehan is quoted as saying that the government was “skating on thin ice if they want an agreement”.

**Mr Stanhope:** Mr Speaker, on a point of order: I wonder whether, in reading out the article, the Chief Minister could confirm that it also says that 17,000 ACT public servants do not have AWAs and that 200 do.

**MR SPEAKER:** There is no point of order.

**MR HUMPHRIES:** Mr Speaker, if we have our way, if we are allowed to continue this program, we will see that more public servants do have access to AWAs.

In respect of Ms Sheehan, the article went on to state:

She felt the Government was being “driven by their own bureaucracy”, and Mr Berry had said on occasions during yesterday’s meeting, “Treasury won’t let me do this or that”.

This is Mr Berry, the former Treasurer.

Another article is headed “ACT union head attacks Follett Government”. They are fairly angry words. Another article accuses the Labor government of having a “negative cost-cutting—

**Mr Quinlan:** This is salient stuff.

**Mr Hargreaves:** It is what happened seven years ago.

**MR HUMPHRIES:** Mr Speaker, I think I should be allowed to complete my remarks. The article accused the Labor government of having a “negative cost-cutting, bean counting” approach. The word “parsimonious” was also used. This is the government that is going to deliver us a reduction in “workplace tension”. The evidence is that Labor represents a very combative approach, and particularly that is likely to be the case when they propose to take benefits away from workers, and put their hands in the pockets of workers in this territory, as Mr Berry has planned in this place. Clearly, Mr Stanhope is not going to do anything about stopping him doing that.

**Mr Hird:** Mr Speaker, I seek leave to have those document incorporated in *Hansard*.

**MR SPEAKER:** There may be a technical problem.

Leave granted.

*The documents read as follows:*

ACT Government ‘on thin ice’ over enterprise agreement  
**Berry not helpful: union**

Unions negotiating with the ACT Government for a public-service wide enterprise agreement were “really angry” and felt a meeting with Industrial Relations Minister Wayne Berry yesterday had “gone backwards”, the Trades and Labour Council said.

The council’s acting secretary, Maureen Sheehan, said the unions had wanted to clarify funding arrangements for the draft agreement. Productivity negotiations over the past six months had proceeded on the basis of a 4 per cent pay rise over two years, plus CPI increases.

Mr Berry’s offer yesterday was for 2.5 per cent rise over two years, with 1.5 per cent indexation. According to Ms Sheehan, Mr Berry had said pay increases must be paid for out of savings in work practices. He had wanted these savings quantified. But Ms Sheehan said the unions could not put dollar-value on all the productivity savings.

There had been no provision made in the Budget for the wage increases, she said.

The unions would meet at 10am today to discuss the issue, and the Government was hoping to have a position in response. But Ms Sheehan predicted the TLC would knock the offer back. They had wanted an agreement by December 20.

With the danger of industrial action from the Transport Workers’ Union over their enterprise agreement, and a Public Sector Union unsympathetic to the bargaining framework, the Government was “skating on thin ice if they want an agreement”.

She felt the Government was being “driven by their own bureaucracy”, and Mr Berry had said on occasions during yesterday’s meeting, “Treasury won’t let me do this or that”.

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“It was clear that he had no understanding of the first agreement [signed in December last year] or the drafts of the new agreement,” Ms Sheehan said.

The secretary of the Automotive, Metals and Engineering Union, Des Heaney, said the meeting had been “disappointing”. Mr Berry had been more worried about the Budget than productivity.

“Those types of changes which are not cost-related are not part of the Government agenda ... they are not concerned with the quality of the service—just the cost,” Mr Heaney said.

He complained that Mr Berry did not have the power to make budgetary decisions, and “showed a poor understanding of current state of negotiations”.

Mr Heaney last week criticised the Treasurer, Rosemary Follett, for her lack of knowledge about the issues and called for a meeting with her. She replied on Friday that she would leave negotiations up to Mr Berry.

Mr Berry would not comment on the meeting yesterday, saying each party had its position and negotiations were continuing on ways to reconcile them.

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### **ACT union head attacks Follett Government**

The head of one of Canberra’s most powerful unions has severely criticised the ACT Treasury and the Government over their approach to enterprise bargaining.

The accusations come in a letter obtained by *The Canberra Times* addressed to the Treasurer, Rosemary Follett, from the secretary of the Automotive, Metals and Engineering Union, Des Heaney.

Most of the union’s members work in the ACTION workshops.

The letter says negotiations with the Government for a 4 per cent wage rise over two years had broken down in October, after six months of talks, when Treasury demanded detailed costings on all the initiatives listed in a draft agreement.

Despite this, Treasury had “failed to supply any requested information in relation to staff numbers or cost per employee for government service”.

The negotiations were taking place within the troubled “central coordinating group”. The group, which was intended to centralise negotiations for enterprise agreements across the ACT Public Service, ran into trouble when one of the biggest blue-collar unions, the Transport Workers’ Union, withdrew from the process and decided to strike out on its own.

At “urgent meetings” with Ms Follett’s (unnamed) “senior adviser and Treasury officers”, the AMEU had had to restate the issues and explain the necessity for a 4 per cent productivity claim.

“[The] AMEU was astounded to learn that your office was not aware of the 4 per cent productivity claim, nor had been briefed on CCG matters,” the letter said.



“The inability at your office and your department to deal with ‘productivity bargaining’ as opposed to making the trade union movement responsible and accountable for “budget outcomes” displays a degree of incompetence rarely seen in any other area [the] AMEU operates in.

“If the ACT Government wants a productivity agreement’ that can, and will, deliver extreme change leading to greater efficiencies and a more effective ACT Government, then I strongly urge your Treasury officials be directed to take responsibility for Budget cuts and not expect the trade unions to do the cost-cutting for you.”

Ms Follett’s only comment last night was that industrial negotiations were continuing. It is understood that Industrial Relations Minister Wayne Berry will meet representatives of all major public-sector unions soon to discuss agreements leading up to the creation of a separate ACT Public Service.

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### **Trying to sustain life in the corpse of the ACT’s old IR system**

It must be frustrating for a left-wing union to help a left-dominated Labor Government to power then be subject to the same “negative cost-cutting, bean counting” approach that the union might expect from a Liberal Government.

This week’s spat between the Automotive, Metals and Engineering Union and the Treasurer, Rosemary Follett, during which strikes were threatened, is an indication of this frustration.

It may also be indicative of something more fundamentally worrying in the way the ACT industrial relations system works.

But more of that later.

Ms Follett has been described by one close to her (in approving tones) as “parsimonious”—not a traditional virtue for the comrades of the Left who might still prefer to spend up big for social justice and the struggle for work socialism.

This Government has more concern for the real politik of the Grants Commission than for ideology.

For this, the people of Canberra, particularly in the long term, might thank the Government. But industrial relations might be the last, expensive refuge of the ideological dinosaur.

It is not that the unions refuse to embrace the need for change. In fact, the Automotive, Metals and Engineering Union has been (as the metals unions often have) quite accepting of enterprise bargaining. The AMEU secretary, Des Heaney, sees it as the way for his members to survive in a tight economic framework.

He puts the blame for stalled negotiations on his left-faction comrade, the Treasurer, and her department, the “bean-counters”, who demanded detailed costings of all the proposals.

He thinks it should have gone through easily, his members collecting their 4 per cent pay rise, and the changes being implemented.

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As he sees it, not all the suggested initiatives have immediate cost savings. Some will take time to swing in, to create structural efficiencies, but the cost-cutters would not accept that.

The Government's imperatives are easy to see—the budget must be cut by 2 per cent across the board, and in the Department of Urban Services, by much more.

The AMEU has objected strongly to having to provide detailed costings of its proposals. But without accurate costings, the Government does not know if the projected savings figures are rubbery. They may be worried that after several reports painting very unflattering pictures of how much can be saved in the ACTION workshops, where 200 AMEU members work, they might want to delay signing any agreement before considering some much more radical proposals.

And for a pragmatic Government with a parsimonious Chief Minister in tough times, this is the right attitude.

It has to know accurate costings, has to keep tabs on its workplaces, not because it is a control freak, but because fiscal responsibility demands it.

The ferocity of Mr Heaney's statements might be attributable to his concern that the suggested cuts will be seen as not nearly dramatic enough.

But what's the hurry to finalise the agreement? Negotiations have been on for months, and they were progressing nicely. But a last minute hitch has sent Mr Heaney into public, calling Ms Follett and her office

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### **Follett tells unions to talk to Berry**

The ACT Chief Minister and Treasurer, Rosemary Follett, has told the Trades and Labour Council that she will leave negotiations on an enterprise-bargaining agreement to the Minister for Industrial Relations, Wayne Berry.

In a letter to the council's secretary, Charles McDonald, Ms Follett said that the bulk of negotiations had been conducted by Mr Berry and that "he is well placed to represent the views of the Government at this second and more sensitive round of discussions". He had called for a meeting on Monday.

The letter is in response to a December 3 request from the council for an urgent meeting to discuss funding issues surrounding wage outcomes in enterprise bargaining.

Ms Follett has attracted strong criticism this week from various union organisations. Mr McDonald told all unions to cease local bargaining centre negotiations in protest against the "excessive delay in [the] Chief Minister's response" to their request for a meeting. They want a funding commitment by December 20. He has called his own meeting for next Tuesday.

The secretary of the Automotive, Metals and Engineering Union, Des Heaney, also wrote a letter to Ms Follett, saying she had shown herself as incompetent to deal with the issues involved.

Ms Follett's letter of yesterday referred the issue to Mr Berry, and hoped that Mr Berry would "be able to put a position on behalf of the Government that should make substantial progress from the current positions of both parties".

A source said that the unions' complaints should be less strident by the Monday meeting, but did not elaborate further.

Ms Follett's letter closed by saying that she looked forward to a "favourable report from the meeting". But Mr Heaney said that the Monday meeting would be "a waste of time unless [Mr Berry] is given the authority to decide Treasury-related matters ... The AMEU, for one, does not have the patience to wait for Ms Follett's turn on the roster to make a decision".

Mr Heaney called on Ms Follett to convene a meeting.

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### **Scrap deal, start again, unions tell Government**

A proposed enterprise bargaining agreement between the ACT Government and its 22,000 employees may be scrapped after 12 months of talks and a whole new agreement negotiated, unions said yesterday.

The unions appear set to reject the Government's enterprise bargaining proposal, put in February. This sets out some very detailed changes to workplace practices in exchange for a 4.5 per cent wage rise over two years.

But the assistant secretary of the Trades and Labour Council, Maureen Sheehan, said of the proposal that "we need to tear it up and start again".

Scrapping the agreement would have no immediate effect, because it is not due to be implemented until the end of the year.

Ms Sheehan said the Government's proposal would have been very hard for employees to understand and would have locked the unions in, meaning the Government could make budget cuts, including job losses, without negotiating with the unions.

"Essentially they wanted to buy our silence," Ms Sheehan said.

The secretary of the Public Sector Union, Cath Garvan, said it was obvious that some unions would never have ratified that agreement—"we were flogging a dead horse".

The new proposal floated with the Government on Friday was for "minimal agreement".

According to Ms Sheehan, the "minimal agreement" would only include statements that productivity savings should be made in return for wage increases, and that there should be no job losses. The TLC was now working on a draft of this agreement, which the Government and unions would consider soon.

Under that broad framework, Ms Sheehan said the details about where savings could be made would be struck industry by industry, or even union by union.

Doing this was not watering down the enterprise bargain—it was just changing it.

The Government, particularly the Minister for Industrial Relations, Wayne Berry, had wanted to keep enterprise bargaining centralised to stop some workplaces giving up more than others in return for wage rises. The result has been months of negotiation and some frustration.

The Transport Workers' Union pulled out of the central bargaining negotiations saying it wanted its own deal. That deal, which will save ACTION \$6.5 million, was ratified by the Minister for Urban Services, Terry Connolly, recently. It is understood Mr Berry was unhappy, and felt this had undermined the negotiations for the central agreement.

According to Ms Sheehan, the TWU agreement had the potential to create a “wage free-for-all” as all unions tried to strike their own bargain. “In a tricky budget situation, that would lead to job losses,” she said.

Ms Garvan said the proposed minimal agreement was an attempt to save the centralised enterprise bargaining framework from falling apart. It would also ensure “some kind of equity” between unions.

The secretary of the Automotive, Food, Metals and Engineering Union, Des Heaney, said the TWU agreement had undermined the whole centralised process. He would look at Ms Sheehan's proposal, but thought a “minimal” approach was dangerous. He warned that the AFMEU would not be part of an agreement which did not include bench marking studies and performance indicators. Agency-by-agency bargaining would only make parts of the service more efficient, not the whole.

Mr Berry would not comment yesterday, saying the new proposal was under negotiation at the official level.

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### **Unions bicker over numbers**

ACT Government services could face increasing disruptions starting today, after a dispute between two unions escalated, leading to one union picketing members of another.

An organiser for the Australian Workers' Union, Glen Castles, said yesterday that a dispute which began over union membership in January had been too slow to be resolved, and that his members would begin picketing members of rival union, the Construction Forestry Mining Energy Union, today at the Kambah City Parks depot.

The dispute began when about 30 former CFMEU members—including one former organiser for the union—joined the AWU. Most CFMEU members returned to the fold, but three stayed in the new union. Two plant operators were not allowed to start work.

The dispute went to the Industrial Relations Commission, where the CFMEU argued that the work done by the operators was not covered by AWU awards. In the meantime, the workers were redeployed within City Parks at no loss of pay. A decision handed down in the Commission yesterday indicated that AWU had coverage for the workers to continue.

**Mr Berry:** Mr Speaker, while we are in the mood for incorporating documents in *Hansard*, can I seek leave to incorporate an advertisement for senior policy advisers for the ACT government; and another advertisement for a position with the Sports and Corporate Resource Division. In light of the minister—

**Mr Hird:** On a point of order, Mr Speaker: in accordance with standing orders, a member may seek leave to have tabled documents referred to by another member. The Chief Minister did not refer to Mr Berry's documents.

**MR SPEAKER:** I am sorry but people are taking shots at each other across this chamber and I am not going to be part of it. The fact is that if the Assembly wishes and it is feasible to have Mr Berry's document incorporated in *Hansard*, we should try to do so. But I have to ask the question: is leave granted?

Leave not granted.

### **Suspension of standing and temporary orders**

**MR BERRY (2.54):** Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Berry from incorporating two documents into *Hansard*.

Question (by **Mr Moore**) proposed:

That the question be now put.

**Mr Wood:** You can't do that.

**Mr Moore:** I just did.

**Mr Berry:** Mr Speaker, you don't have to do that. You ought to hear the argument.

**MR SPEAKER:** Just a moment. Leave has been refused to incorporate. We now have a situation where Mr Berry has moved that so much of standing orders be suspended as would allow incorporation. Mr Moore then moved that the question on that question be put.

**Mr Moore:** Because we have already heard Mr Berry speak on it.

**MR SPEAKER:** Mr Moore, I am upholding your point.

Question resolved in the affirmative.

**Mr Berry:** Mr Speaker, on a point of order: you are denying me the right to speak on this issue.

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**MR SPEAKER:** No, I am not denying you the right to speak on any issue. I have put the question that the motion be put. I think all members of the Assembly are well aware of what the motion is about.

**Mr Berry:** No you don't, because I have not said a word on it.

**Mr Moore:** On a point of order, Mr Speaker: we have already passed the closure motion and now it is time to put the suspension of standing orders motion without further discussion. That is what the standing orders demand.

**MR SPEAKER:** That is correct. Thank you.

**Mr Kaine:** Mr Speaker, on Mr Moore's motion: I have to say that I am concerned that the government is applying the gag here and is refusing to allow Mr Berry to state his case. I think it is unacceptable. They are bullyboy tactics.

**MR SPEAKER:** Order! The fact is that you cannot debate this matter.

Question put:

That **Mr Berry's** motion be agreed to.

The Assembly voted—

Ayes, 9

Noes, 7

Mr Berry	Mr Rugendyke	Mrs Burke	Mr Smyth
Mr Corbell	Mr Stanhope	Mr Cornwell	Mr Stefaniak
Mr Hargreaves	Ms Tucker	Mr Hird	
Mr Kaine	Mr Wood	Mr Humphries	
Mr Quinlan		Mr Moore	

Question so resolved in the affirmative.

**Mr Berry:** Mr Speaker, will I hand the documents over?

**MR SPEAKER:** Yes but I am not sure about the capacity of Hansard to incorporate the material.

*The documents read as follows:*

**Senior Policy Advisors**

**Economists/Accountants**

**Australian Capital Territory Government**

**Assistant Managers (Senior Officer Grade C)**

**Policy Advisors (Admin Service Officer—Grade 6)**

**Initial Salary Range—\$44,503 to \$60,755**

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**Economic Analysis    Microeconomic Reform    Intergovernmental Financial Policy**

These roles will involve the successful candidates in the provision of complex research and investigation and the provision of policy advice directly to Government. To this end applicants must possess high level conceptual, analytical, presentation and communication skills. A tertiary qualification in Economics, Accounting, Commerce or related discipline is desirable.

**OTHER BENEFITS**—A variety of contemporary employee benefits apply to all of the above positions. These include generous employer funded superannuation, flexible working hours, options for salary packaging and 4 weeks annual leave.

**NOTE**—Terms & Conditions of these positions will be regulated under an Australian Workplace Agreement. All applicants must be Australian citizens or permanent residents.

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Teachers applying for short term office vacancies should provide a statement from their Principal agreeing to their release for the specified period.

**Sport and Corporate Resources Division  
Financial Services Section**

**SENIOR PROFESSIONAL OFFICER GRADE C \$57192-61666, (PN. SEVERAL)**

**Closing date: 9 August 2001**

Duties: Manage a Financial Services sub-section. Prepare financial and management accounting reports for internal and external entities: including monthly reports, purchase agreement reports, statistical returns and annual financial statements. Eligibility/other requirements: Completion or near completion of qualifications in accounting which are recognised, or will lead to recognition, for membership of either the Australian Society of Certified Practising Accountants [ASCPA] or Institute of Chartered Accountants in Australia [ACA].

Note: This position has an attractive remuneration package, the terms and conditions of which will be regulated under an Australian Workplace Agreement

Contact Officer: Gillian Broers 02) 62055470

Selection documentation may be obtained from Mark Whybrow (02) 62055474 Available: 2 September to 31 December 2001.

Apply: 12 or via email: [decs.employment@act.gov.au](mailto:decs.employment@act.gov.au)

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**Sport and Corporate Resource Division  
Financial Services Section  
ADMINISTRATIVE SERVICE OFFICER CLASS 6 \$ 45171-51888, (PN. SEVERAL)**

**Closing date: 9 August 2001**

Duties: Assist in the timely preparation of monthly and annual financial statements and budgets. Central general ledger maintenance, including the recording of schools' financial details and externally received funds. Assist with costing of self-management funds allocations to schools, including maintenance and development of related systems.

Eligibility/other requirements: Qualifications in accounting or progress towards such qualifications would be an advantage.

Contact Officer: Gillian Broers (02) 62055470

Selection documentation may be obtained from Mark Whybrow (02) 62055474 Available: 2 September to 31 December 2001.

Apply: 12 or via email: [decs.employment@act.gov.au](mailto:decs.employment@act.gov.au)

**Education and Training Division  
Office of Training and Adult Education Branch  
Policy Coordination Section  
ADMINISTRATIVE SERVICE OFFICER CLASS 2 \$29539-32755, (PN. 12201)**

**Closing date: 9 August 2001.**

Duties: Responsible for answering telephone enquiries on matters relating to vocational education. Screen incoming calls. Provide a range of word processing. Provide general office maintenance.

Contact Officer: Carol Kuzmanoski (02) 6205 7061

Selection documentation may be obtained from the Contact Officer (02) 6205 7061 Available: ASAP to 31 December 2001

Applications for the above positions should be forwarded to the Workforce Planning and Management Section, Level 2, Manning Clark Offices or via email:  
[decs.employment@act.gov.au](mailto:decs.employment@act.gov.au)

**Questions without notice  
Gungahlin Drive**

**MS TUCKER:** My question is to the Minister for Urban Services and relates to the information obtained by the Save the Ridge group under FOI about the costing of the Gungahlin Drive extension. In 1997 the government announced that it was considering the construction of two fauna overpasses on the Gungahlin Drive extension to address the problem of disruption to wildlife on Bruce and O'Connor ridges from this road. PALM engaged the Snowy Mountains Engineering Corporation to undertake a preliminary study on the construction of two cut-and-cover tunnels—one on the spur road connecting to Barry Drive and one at a point some 500 metres north of Belconnen Way on the Caswell Drive connection. This report was completed in mid-2000 and indicated that the tunnel on the Caswell Drive connection would cost \$1.7 million for two lanes and \$3.2 million for four lanes.



However, I notice from the information obtained by Save the Ridge on the department's costings of the eastern option that there is no mention of a fauna overpass on this route. Does this mean that you have decided not to proceed with the fauna overpass north of Caswell Drive, or was the costing of this overpass conveniently left out because it did not fit into the previously calculated cost of \$32 million?

**MR SMYTH:** I am advised that the costings are accurate. The eastern route capital costs are approximately \$22 million, assuming intersections, with traffic lights, at the Barton Highway, Ginninderra Drive and Belconnen Way and a flyover at the intersection of Ellenborough Street and Gungahlin Drive. Capital costs are approximately \$32 million, assuming that there would be no intersections but flyovers at all the major roads.

The western route capital costs are \$24.7 million, if you assume intersections, with traffic lights, at Barton Highway, Ginninderra Drive and Belconnen Way and a flyover at the intersection of Ellenborough Street and Gungahlin Drive. The additional \$2.7 million in comparison with the preferred eastern route is due to the need for a flyover at Battye Street. That includes some very large-scale earthworks at Ginninderra Drive. The capital costs for the western route go up by \$10 million on top of the \$24.7 million if there are flyovers at all intersections.

The eastern route comes out at \$32 million, if you assume the flyovers I have listed. The western route comes out at \$34.7 million, if you assume the flyovers at all intersections.

**Ms Tucker:** My question was about the fauna overpass.

**MR SMYTH:** I believe the overpass is not being built on the revised eastern route, but I will check and confirm that for Ms Tucker.

**MS TUCKER:** I ask a supplementary question. One of the emails obtained by the Save the Ridge group indicates that the cost estimates for the revised eastern option, after the spur road was dropped, are "top of the head estimates only". How do you expect the Assembly to have any confidence in your costings of the Gungahlin Drive extension if this is the costing methodology applied by your department?

**MR SMYTH:** An enormous volume of documents was provided to Save the Ridge under FOI. If you want to take individual documents out and quote them, that is fine. But, as we have seen, by quoting only some of the story, you often make mistakes. I believe that the process the department has followed, except for the human error that led to the incorrect measurements, is an appropriate process. That is how we manage our capital works.

### **Lyneham tennis centre**

**MR CORBELL:** My question is also to the Minister for Urban Services. On 21 June this year the minister, in response to a question on the Lyneham tennis centre development, stated:

We have broken the bottleneck. The creditors have now been looked after.

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Can the minister tell the Assembly the status of this bottleneck today, given that creditors remain unpaid despite his assurance of 21 June this year?

**MR SMYTH:** I believe that if Mr Corbell reads the full transcript he will find that that was the advice that I was receiving at that time from the Master Builders Association that was handling the claims of a number of the creditors. I relayed to this place the advice that I was given by the MBA. It is curious, Mr Speaker. You have to put this back into context. We have a Leader of the Opposition who said it was fine for the development to go ahead, and we have the Left of the Labor Party who continually jump to their feet when the barbs sting.

**Mr Corbell:** On a point of order, Mr Speaker: the question was straightforward. Can the minister tell the Assembly the status of this bottleneck today?

**MR SPEAKER:** Thank you. I heard the question and the minister has heard the question. The minister will answer the question.

**MR SMYTH:** Mr Speaker, I am leading to the explanation on the bottleneck. The bottleneck now exists in that my understanding is that there are a number of financiers who are interested in the project. When they heard that it had been called in and that it had the support of the Leader of the Opposition, progress began on freeing up the money to make the payments. When they heard that the other section of the Labor Party was causing grief there were some nerves about whether or not it should be funded.

My understanding now is that—

**Mr Wood:** This is just crap. This is beyond the limit.

**MR SPEAKER:** Just a moment. Order! This is an important question that is obviously of concern to numbers of creditors in this city.

**Mr Wood:** And it deserves an answer

**MR SPEAKER:** I wish to have the question answered, thank you, without interjections.

**MR SMYTH:** Mr Speaker, it is unfortunate that the Leader of the Opposition cannot control the Left of the party. That is something that I think the people of Canberra will be very afraid of, unless Mr Berry is going to be the leader after the election. I am told that the financials—

**Mr Quinlan:** You have been sitting next to Gary for too long, mate.

**MR SPEAKER:** Order! Sorry, minister, again—

**Mr Stanhope:** I take a point of order.

**MR SPEAKER:** Look, I am sorry. The minister is attempting to answer an important question, and all I hear from your side is constant interjections. Let's get on with it.

**Mr Stanhope:** This is important to me too.

**MR SPEAKER:** Indeed.

**Mr Stanhope:** I am taking a point of order. I am asking the minister will he table any documentation which substantiates his claim that financiers are basing their decision in relation to the Lyneham tennis centre on the views of the Labor Party. Which financier and where is he?

**MR SPEAKER:** There is no point of order.

**Mr Moore:** On a point of order, Mr Speaker: Mr Stanhope has been warned once. He uses the tactic of taking a point of order that is not a point of order. It is a normal tactic the Labor Party uses when they do these things. For somebody who has been warned, that must be really pushing their luck.

**Mr Stanhope:** That point of order was entirely spurious, Mr Speaker. It was a challenge to your authority, suggesting that you do not know what you are doing and that you need the wisdom of the political genius in this place in order to do your own job. Mr Moore stands up and suggests that my taking a point of order is disruptive. It is no more disruptive than him taking a point of order on it.

**MR SPEAKER:** There is no point of order in either case. Go on, please, minister.

**MR SMYTH:** Mr Speaker, the advice I have is as of 31 July 2001. The developer was finalising the finance arrangements. The understanding I have been given is that the funds will be available during the week commencing 13 August 2001.

**Mr Moore:** On a point of order, Mr Speaker: I did not wish to interrupt the answer. That is why I waited. My point of order was under standing order 61 which states that a member may not interrupt another member whilst speaking unless to call attention to a point of order. The point I was making under standing order 61 is that a Labor Party tactic is to pretend to call a point of order when there is no point of order. Therefore they are inconsistent with standing order 61. That was the point of order I raised, and it was, indeed, a point of order.

**MR SPEAKER:** Thank you. Do you have a supplementary question?

**MR CORBELL:** It was a point of order according to Michael Moore. My supplementary question is: will the minister now apologise for misleading the Assembly insofar as he attempted to claim that creditors will be paid and were being paid when in fact they have not been?

**Mr Moore:** On a point of order, Mr Speaker: imputations must be dealt with in a substantive motion. If he is talking about misleading the house, it has to be substantive. Therefore the question is out of order.

**MR SPEAKER:** There is an imputation there.

**MR CORBELL:** I withdraw the imputation.

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**MR SPEAKER:** Thank you. I call Mr Kaine.

**MR CORBELL:** There is still a supplementary question there. Are you going to answer it? Mr Speaker, I asked a supplementary question.

**Mr Moore:** The question was: “Did you mislead the house?”, and you had to withdraw that.

**Mr Corbell:** A point of order, Mr Speaker.

**MR SPEAKER:** The question was a clear imputation, and I am saying there is no question. Resume your seat. I am calling Mr Kaine.

**Mr Corbell:** Mr Speaker, are you claiming that the entire question is out of order, or simply the use of the term “mislead”?

**MR SPEAKER:** The question was would Mr Smyth apologise for misleading the Assembly on the question of the repayments.

**Mr Corbell:** Yes.

**Mr Quinlan:** Yes. Will you?

**Mr Moore:** It is out of order.

**Mr Corbell:** The whole question is out of order?

**MR SPEAKER:** There is a clear imputation there that he is misleading the Assembly.

**Mr Corbell:** You are a joke. Mr Speaker, you are a joke.

**MR SPEAKER:** Withdraw that. It is two days this time.

**Mr Corbell:** I withdraw, Mr Speaker.

**MR SPEAKER:** Thank you.

### **V8 Supercar race**

**MR KAINÉ:** My question is to the minister for tourism. It relates to the GMC400 car race. Minister, yesterday you, and subsequently the Chief Minister, told the Assembly that you could not provide certain details that I had asked for because you did not have them. After so many months, that was pretty much in the same category as an excuse as “the dog ate my homework”, but I will let that go for the time being.

**Mr Stanhope:** Did you try that, too?

**MR SPEAKER:** I did not know that you had a dog, Mr Kaine.

**MR KAINE:** It is a pity that the Canberra Girls Grammar students have left as they would have appreciated that. My question is, and I caution the minister because I would not want him to mislead the house: isn't it the case, Mr Smyth, that, contrary to what you and Mr Humphries told us yesterday, the information that you are to table in this place tomorrow has, in fact, been in your possession for some days? I repeat my caution about misleading the house.

**MR SMYTH:** As I told the house yesterday, I will table tomorrow the figures that Mr Kaine has been seeking. I have been waiting for copies of reports. Yes, I do now have them. I received them last night. I took them home and I have read them. The full detail will be tabled tomorrow.

**MR KAINE:** I have a supplementary question, Mr Speaker. It has been in your possession for some time, Minister. I was afraid that I was going to have to comment that you were obviously waiting for the good fairy to deliver it at midnight tonight, in which case I was going to ask you, as a supplementary question: will you also ask the good fairy when she delivers it at midnight tonight to ensure that this report also includes financial details about the cash payments being made to AVESCO and information about the level of payment that would have to be made to that organisation in the event that the car race is not run for the full five years of the contract, which, I submit, now appears likely?

**MR SMYTH:** Mr Speaker, there were some details there that I will take on notice and get the answers for the member.

### **Mr Robbie Waterhouse**

**MR RUGENDYKE:** My question is to the gambling and racing minister, Mr Humphries. Minister, you will probably be aware from media reports that former bookmaker Robbie Waterhouse will have his licence to return to the track processed by the Thoroughbred Racing Board today. While this will enable Mr Waterhouse to operate at Rosehill races this weekend, it is my understanding that this will not ensure that the bookmaker-in-exile will be allowed to expand his network into the ACT. Has this matter been raised with you by the Gambling and Racing Commission, and what is the government's position on Mr Waterhouse having a potential presence in the ACT?

**MR HUMPHRIES:** I thank Mr Rugendyke for the question. The issue has not been raised with me by the Gambling and Racing Commission or anybody else. The implications, therefore, I cannot comment upon. My understanding—and I cannot verify this at the moment—of the arrangement is that, despite moves towards portability and reciprocity between different states' gambling arrangements, particularly licensing arrangements, it is not automatically the case that a bookmaker in New South Wales has the right to practise in the ACT. I think that a separate licence has to be applied for.

There is a process under way at the moment to review the arrangements for bookmaking. I have had representations, for example, that some requirements in the ACT are more stringent than those that apply in other parts of Australia, particularly in New South Wales.

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I cannot comment on the case of Mr Waterhouse, but in light of Mr Rugendyke's question I will seek advice from the Gambling and Racing Commission as to whether Mr Waterhouse has applied for, or perhaps obtained, a licence to practise as a bookmaker in the ACT.

**MR RUGENDYKE:** My supplementary question has been answered. It was to be about the degree of stringency applying to applications for ACT licences. It seems to be harder, which is probably a good thing.

### **Centrelink information on student absences**

**MR BERRY:** My question is to the Minister for Education, Mr Stefaniak. It relates to recent reports about Centrelink procuring information from ACT government colleges. Can the minister confirm to the Assembly that his department is currently providing to Centrelink information downloaded from records held by ACT government colleges on student absences? Can he confirm that information on all absences is being passed on, not just that relating to students who are Centrelink clients? How long has the department been providing Centrelink with this information?

**MR STEFANIAK:** I do not know whether Mr Berry is aware of it, but the department has provided to Centrelink for many years attendance information on government secondary school students who receive allowances to enable them to continue their studies. With the improved computerised record-keeping systems now in use in our schools, the department now provides attendance information to Centrelink on all government secondary school students. I am advised that Centrelink follows strict protocols with regard to the privacy of individuals. As is the case in other states and territories of Australia, the department is authorised under the Privacy Act 1998 and the Social Security Administration Act 1999 to provide such information to Centrelink.

I understand that there has been some talk in the media about instances in relation to one of our colleges. That is very much a Centrelink issue, a Commonwealth issue. I do not think that the ACT has a huge amount of choice in the matter because of the nature of it. However, I do stress that they do have strict protocols with regard to the privacy of individuals and that this information has been passed on for some time. I think you spoke in terms of all students. I am not quite sure of that.

**Mr Berry:** All absences.

**MR STEFANIAK:** The information I have relates to attendances. I will probably need to check to make sure that it refers to all absences. Certainly, the information has been passed on for some time as a result thereof.

**MR BERRY:** Can the minister tell the Assembly whether the information on student absences has been passed on to Centrelink without informing students, parents or even, originally, college welfare officers? Can he confirm that the department was warned at a meeting in June that there were major flaws in the information it was passing on? Why did the department ignore those warnings?

**MR STEFANIAK:** On some of those details, I would have to take the question on notice. The advice I have in relation to this matter is that it is something that the department has to do. I understand that there are strict protocols with regard to that. If there is any indication that the department might be doing something wrong, I will be happy to check it out and get back to you, Mr Berry, but the information I have to date does not suggest that that is the case. If there is anything further, I will get back to you, Mr Berry.

### **Disability services**

**MR WOOD:** Mr Speaker, my question is to Mr Moore, minister for health and community services. I will read a very short extract from Mr Gallop's report released yesterday:

Despite the obvious failings of—

I won't mention the names of two group house workers—

neither has been given any training subsequent to Brett's death with a view to upgrading their skills to care for the disabled according to their own evidence.

Mr Moore, I have heard you in the media saying you have been attending to the issues over the last year. Certainly I would have expected that to be the case. For example, you have said that people have been getting better training. I have also seen your overdue media statement issued yesterday, I think, claiming that much had changed, as we would have expected.

In view of Mr Gallop's comment, how much confidence can we have that things are really changing?

**MR MOORE:** Of course it is always useful to choose a particular quote from a particular report. Mr Speaker, I think it is also very important to understand that there is a significant discrepancy between the report of the coroner tabled last week and the interim report of Justice Gallop. For example, Mr Speaker, whilst we have to acknowledge the death—and I think all of us acknowledge that something went wrong in that house that day; and all of us extend our sympathy to the Ponting family—it is important to note that the coroner found that “the one failure which I have criticised does not, in my view, reflect other than an isolated situation which existed in the premises”.

Mr Speaker, that having been said, I think it is important to understand what has happened in the interim. It is also important to remember that the interim report of Justice Gallop came down some time ago. It referred to incidents even before that.

The disability program has already introduced individual risk assessments for every client, Mr Speaker. They have a review of individual plans to improve the individual planning system and management structures to ensure training support and supervision are in place. Disability program has commenced development of training curriculum for support managers and team leaders to ensure that both levels of front-line management have the required skills and capacity to adequately support and supervise staff. The

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training will be implemented progressively over the next few months. They also have introduced more front-line managers.

A program education officer has also been appointed to the human resources development team and is working to improve arrangements for staff training by developing a workplace-based training program to enhance the application of skills and knowledge. The program also includes the development of a mechanism for continuous assessment of new staff while they are on probation.

Mr Speaker, there is also a review of staffing to ensure long-term staff are properly trained. The disability program has already introduced performance development planning for all staff, which provides the opportunity for both new and long-term staff to identify and address training and development needs.

Additionally, a proposal has been considered by the quality improvement committee for the establishment of a continuous learning program developed for all staff through ongoing weekly skill and practice workshops. That one is before the quality improvement committee.

Mr Speaker, that is not enough. The fifth recommendation of the coroner which talked about a review of training process has also been taken into account. There are many that overlap with Justice Gallop's.

The provision of services to people with a disability in a complex and changing environment requires a careful balance between ensuring clients' safety and promoting independence and normalisation, as we know. Certainly Justice Gallop has emphasised safety. The program has taken clear and decisive action to ensure that this balance is more carefully calibrated along the lines of safety. It has included reviewing and modifying training in this area.

In July 2000 the program modified its structure to ensure human resource development areas co-managed with service delivery, and the new manager appointed in April 2001 is progressively reviewing and improving all aspects of staff training and development. It has included an overhaul of our comprehensive induction program, making it much more on the job and putting a greater emphasis on communication and risk awareness.

Mr Speaker, there are many, many other improvements being put into place in the disability program at the moment.

I want to add something else that I think is important. I think it is important to understand that since I have been minister we have taken disability in this territory extraordinarily seriously. At a time when we were trying to get the budget under control because of the \$344 million operating loss that we were left with, we have increased the budget to disabilities by over 42 per cent. That is something of which I am incredibly proud. There has been a significant improvement.

Mr Speaker, I use this opportunity—I will be very brief—to let you know that last year the disability program surveyed residents about how they rated disability program. 65.7 per cent of respondents rated the ACT disability program as 7 out of 10 or better. This year a Datacol report that has just been completed has a very significantly improved



rate of 72.5 per cent. 72.5 per cent of people who are involved in the disability program, the client group, are rating the disability program thus—and I think it is worth keeping it in perspective.

Mr Speaker, I am sure that since I put a press release out it will be on the front page of the *Canberra Times* tomorrow, replacing the one that Mr Smyth put out—or next to it—because this is good news for the disability program that has been getting a rather significant bagging through the *Canberra Times*.

**MR WOOD:** I have a supplementary, Mr Speaker. Mr Moore might read these reports. Do you understand that money isn't everything and this is not a failure due to lack of money; this is a failure of systems—training and a whole host of those factors?

**MR SPEAKER:** That is not a question.

**MR MOORE:** Indeed, Mr Speaker. I have read the reports. That is why I am flabbergasted that Mr Wood can stand up here and say, “This is a failing of systems.” Mr Wood, you had better go and read the reports and read them with an open mind. We have two reports that say contrary things. We have one report that says it is a failing of systems; and we have another report that says it is not a failing of systems. So, Mr Wood, one of those is right and the other one is wrong.

What we are going to do, and what disability program has been doing, is look at the worst case scenario in both of those reports and say, “What can we do to change whatever is the worst case scenario?” This is the problem of having the two inquiries running at the same time. They have contrary views. The coroner found the “one failure which I have criticised does not, in my view, reflect other than an isolated situation which existed in the premises”.

Mr Wood, I suggest you read both reports carefully and not just for political mileage.

### **Police funding**

**MR HARGREAVES:** My question is to the minister for police. It concerns budget allocations. In March of this year the minister appeared before the Standing Committee on Justice and Community Safety in its investigation of the draft estimates. He talked about overhead costs we would have to pay the AFP for their services in the ACT. Mr Murray described them as enabling costs. Mr Smyth said that, of the \$7.3 million, \$4 million was for Mr Murray. The national office says that the cost of supporting the ACT is more than they estimated. They now say that it costs an extra \$7 million to provide that service. We understand that that is what the \$7 million from the budget is for. However, only two months later, in May of that year, in answer to a question on notice, we got a different story. The question went like this:

Is it true that the AFP has estimated the cost of these enabling services as being between \$7 million and \$9 million?

The answer from the minister was no. Oops! Next question:

If not, what are the estimated costs of these services?

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Answer from the minister:

The AFP estimates enabling costs of \$14.5 million.

That is 100 per cent growth in two months. The third question was:

How do we go about the budgeting?

The minister said:

The ACT provides \$67.548 million for ACT regional policing in excess of \$7 million. The \$67.548 million is attributed to the enabling costs.

In paragraph (c) the minister says that \$7 million is budgeted to pay for the enabling costs. In paragraph (b) he says the cost is going to be \$14.5 million. Two months earlier he told us the whole lot was going to be \$7 million. My question is: why did the minister make a \$7 million error in March? Where is the extra \$7.5 million going to come from?

**MR SMYTH:** There were ongoing negotiations with the AFP. After we signed the new contract for the delivery of services, additional work was done. As the work was done, the figures changed.

**MR HARGREAVES:** I ask a supplementary question. Did the new figure, a doubling in the space of two months, come from the \$165,000 consultant's report? Will you table a copy of that report, please?

**MR SMYTH:** I am not aware where the figure of \$14 million that Mr Hargreaves quotes came from. I will check for him and give him the details.

**Mr Humphries:** I ask that further questions be placed on notice.

## **Public Housing**

**MR MOORE:** Yesterday I took a question on notice on housing from Mr Wood about a property in Oxley. The tenancy of the property ended on 8 June 2001. ACT Housing inspected the property and found that it had been left by the tenant in extremely poor condition. The tenant had also left large quantities of goods in the property. The property also appeared to have been vandalised. On 13 June some repairs were performed on the property and a detailed account of tenant responsible maintenance was taken. In fact, a video recording was made of the property's condition. ACT Housing boarded up the property, and the property has not been vandalised since ACT Housing took possession of it.

On 22 June 2001 ACT Housing arranged for the abandoned goods to be removed and stored elsewhere. ACT Housing practice is to refer a damaged property such as this to a maintenance contractor to refurbish before retenuing. In this case, however, being 22 June, it was not possible to refer the property for immediate refurbishment because arrangements for the introduction of Total Facilities Management had not been finalised.

They were to come into effect, as they did, on the first day of the financial year. So no suitable contractor was available under those circumstances.

In light of this difficulty, and as an alternative strategy, ACT Housing resolved that minor repair work be undertaken to allow the property to be re-let as soon as possible. The property has been referred to a maintenance contractor, and it is expected to be available for tenancing within two weeks.

My Wood, you also asked the question about the disturbance of drunken parties, and so forth.

**Mr Wood:** You could have walked in there yesterday through the open front door, Michael. That was yesterday.

**MR MOORE:** It will be ready within 14 days. The contractor has been appointed, I am advised. Any Canberra residents whose peace is disturbed by drunken parties or unsavoury people causing trouble and grief should be encouraged to refer the matter to the Federal Police. It is the responsibility of the Federal Police. ACT Housing do not have a policing responsibility. Mr Wood, we appreciate the fact that you have made positive comments about the initiatives of the government to ensure that we work with people in a positive way where we can, and that is where we are going.

### **Mr Robbie Waterhouse**

**MR HUMPHRIES:** In question time today Mr Rugendyke asked me if Mr Waterhouse had applied for a bookmakers licence. I am advised that he has not.

### **Budget forecasts**

**MR HUMPHRIES:** In the course of answering a question from Mr Quinlan about the projection of a surplus, I asserted that Mr Quinlan had suggested that there was some doubt about the strength of the surplus. In a *Canberra Times* article of 2 May, in which I reported on a \$12.3 million surplus being a reasonable buffer to protect the territory, Mr Quinlan is quoted as follows:

But the Labor Opposition was not so confident.

Labor Treasury spokesman Ted Quinlan said the Treasury projection was optimistic in light of much lower forecasts by Access Economics and the Melbourne Institute. He warned of a deficit if the projection was not met.

### **Gungahlin Drive**

**MR SMYTH:** Mr Speaker, I have an answer for Ms Tucker about the fauna overpass. The main focus of it was the spur across the ridge, which will now not go ahead. With the removal of that spur the continuity of the fauna access was no longer effective, and with that in mind the decision was made not to build the overpass.

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## **Canberra Means Business campaign**

**MR SMYTH:** Mr Quinlan asked yesterday about the cost of the ACT Business Gateway ads and if there were any other projects in the pipeline. The television campaign that has been running is a repeat of an earlier advertising campaign developed for the Canberra Business Advisory Service. This business information and mentoring service is funded by the ACT government and is part of a suite of programs provided through Business ACT.

The television promotion of the Canberra Business Advisory Service cost \$42,000 for both runs of the campaign. This has been at no cost to the taxpayer, as it has been entirely funded by sponsorship of the advisory service by Asia Online. The effect of the television campaign has been marked. In the three-week period the campaign has been running, total client contacts with the Business Advisory Service have increased by 59 per cent to 116 clients.

For the information of members, a new television campaign promoting the enhanced ACT Business Gateway web site, including online transactions and improved search functionality, is due to start this Sunday, 12 August. It will run for three weeks and will cost \$29,000 in total.

The ACT Business Gateway web site has had over 536,000 hits since its launch in July 1999. To bolster that—and I am sure all here in the Assembly support small business—the Canberra Means Business brochure was developed as an additional means of informing the community of all government programs and opportunities that are available to the business sector. The total cost of developing, printing and mailing the brochure was \$22,569.

We are very proud of the results. It is imperative that small businesses in Canberra know and make use of all the services that the government offers, and we need to be out there telling them that they are there.

## **Personal explanations**

**MR QUINLAN:** In answering my question today—

**Mr Humphries:** Is this a point of order, Mr Speaker?

**MR QUINLAN:** No, this is a personal explanation. I recall the Treasurer accusing me of describing the budget as “fantasy” or “fanciful”.

**Mr Humphries:** Fantasy.

**MR QUINLAN:** Fantasy. Would you like to withdraw that now, since I have never said it?

**Mr Humphries:** Mr Speaker. I withdraw that. The budget is not fantasy, I can be sure of that.

**MR QUINLAN:** Excuse me. That is not the point that I am making. The point that I am making is that Mr Humphries claimed to be quoting me calling the budget surpluses “fantasies” and leading this place to believe that I had described the surpluses as “impossible”. You have now watered that down to “optimistic”. Do you want to back off or not, mate?

**MR HUMPHRIES** (Chief Minister, Minister for Community Affairs and Treasurer): Mr Speaker, I can respond. I would never have asserted that Mr Quinlan had said the surpluses were impossible. I did say that he cast considerable doubt on them. I said that I believed he had used a word like “fantasy”; I did not say he actually said “fantasy”. I said “a phrase like fantasy, or words to that effect”. I have now quoted exactly what Mr Quinlan said, which was that he thought they were “optimistic”.

**Mr Quinlan:** Bit different.

**MR HUMPHRIES:** It is not; it is the same thing.

**Mr Quinlan:** You are very loose in this place, mate.

**MR SPEAKER:** Order! I do not want a debate on this, thank you.

**MR HUMPHRIES:** Mr Quinlan was saying that he did not believe the surpluses would be achievable. I have quoted him from the *Canberra Times*, which demonstrates exactly what he said.

## Papers

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

Interim Report of the Board of Inquiry into disability services in the Australian Capital Territory relating to the death of Brett Ponting— Questions concerning publication—Memorandum of advice from Peter Johnson SC, dated 15 June 2001.

We undertook to provide that advice some time ago in conjunction with the interim finding of the Gallop inquiry.

I also present the following papers:

Remuneration Tribunal Act, pursuant to section 12—Part-time holders of public offices—Essential Services Consumer Council—Determination No 90, together with a statement dated 3 July 2001.

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Penny Gregory, dated 3 July 2001.  
Peter Stainlay, dated 18 June 2001.  
Colin Adrian, dated 18 June 2001.  
Simon Holtby, dated 30 June 2001.

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Glenys Beauchamp (2), dated 20 July 2001.  
Susan Killion, dated 20 July 2001.  
Nic Manikis, dated 3 July 2001.  
Bob Hutchison, dated 20 July 2001.  
Glen Gaskill, dated 3 July 2001.  
Martin Toohey, dated 3 July 2001.  
Phillip Thompson, dated 30 June 2001.  
Meredith Whitten, dated 3 July 2001.

Temporary contracts:

Sandra Lambert, dated 3 July 2001.  
Susan Killion, dated 20 July 2001.  
Jeff Mason, dated 20 June 2001.  
Gail Winkworth, dated 21 June 2001.  
Simon Rosenberg, dated 20 July 2001.

Performance agreement:

Shirley Bowen, dated 25 June and 20 July 2001.

Schedule D variations:

Kimberley Pierce, dated 3 July 2001.  
Allan Eggins, dated 22 June 2001.  
Roger Broughton, dated 20 and 25 July 2001.  
Verity Bondfield, dated 20 July 2001.  
Christine Healy, dated 3 May 2001.  
Helen Burfitt, dated 12 and 17 July 2001..

I ask members to respect the usual sensitivity associated with those contracts.

**Mr Berry:** What's the sensitivity?

**MR HUMPHRIES:** Well, Mr Speaker, the documents, which will be circulated to members' offices, are details of the contracts with those particular members of the public service. It has been the practice for the years we've been tabling these contracts to ask members of this place to respect some sensitivity about it. And I simply repeat that appeal.

**Mr Quinlan:** Condescending, bloody—

**MR SPEAKER:** Order! I don't want a debate on this.

**Mr Berry:** They're public documents.

**MR SPEAKER:** Thank you.

**MR HUMPHRIES:** Well, by the same token, Mr Speaker—

**Mr Hird:** Did you hear that?

**Mrs Burke:** Yes, I did. he should withdraw that.

**MR HUMPHRIES:** I am appealing to members of this place not to run around with banner headlines saying, “So and so public servant earns an extra \$50,000” or whatever it might be.

**Mrs Burke:** On a point of order, Mr Speaker: I’d ask Mr Quinlan to retract his remark about the Chief Minister.

**MR SPEAKER:** What remark was made?

**Mr Quinlan:** Which one was that?

**Mrs Burke:** You know what it was, Mr Quinlan.

**Mr Quinlan:** No, you’ll have to remind me.

**Mr Hird:** “Bloody fool”. He did say “bloody fool”.

**Mr Quinlan:** Did I call him a liar or something?

**Mrs Burke:** No, you know what you said, Mr Quinlan, don’t—

**Mr Quinlan:** No, what did I say?

**Mrs Burke:** Mr Speaker, my hearing was correct. I heard him refer to the Chief Minister as a bloody fool. Please withdraw.

**MR SPEAKER:** Please do.

**Mr Quinlan:** Mr Speaker, I did not refer to the Chief Minister as a bloody fool.

**Mrs Burke:** Point of order, Mr Speaker.

**MR SPEAKER:** Look, I suggest we all stop being precious. If you said the words, withdraw them, Mr Quinlan. Otherwise I will deal with you. Can we get on with business, please? I don’t think this is edifying to anybody outside of this building.

**MR QUINLAN:** I’m not having another MLA put words in my mouth. I get that from him every time I sit in this place, thank you.

**MR HUMPHRIES:** Mr Speaker, it is important that those contracts and their terms be viewed with some sensitivity in this place. It has been customary, in tabling these contracts for some period of time, that the Chief Minister of the day has asked for the sensitivity to be respected. In fact, there was a prepared statement made to me to that effect, which I declined to give because I have given it so many times before. I thought I’d save time by not re-reading the prepared statement but I’d simply make that remark in the process of tabling, Mr Speaker.

If members wish to use that information for personal aggrandisement, that is their choice. I simply say it would be a good idea not to.

## **Finance and Public Administration—Standing Committee Public Accounts Committee Report No 25**

**MR QUINLAN** (3.39): I present the following paper:

Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Public Accounts Committee Report No 25—Review of Auditor-General's Report No 3, 1999—Annual management report for the year ended 30 June 1999, dated 3 August 2001, together with a copy of the extracts of the minutes of proceedings.

I move:

That the report be noted.

First I will apologise to the house. This report fell through the cracks when we were changing secretary to the committee and should have been delivered to the Assembly some time earlier. The report is generally an innocuous report, delivered to you by the Auditor-General, on his activities. This particular report, though, contains responses by the Auditor-General to an independent audit of the Auditor-General's Office conducted by Audit Victoria.

Members will recall that at about the time this house was making noises requesting the Auditor-General to audit the Bruce Stadium redevelopment, the government had the coincident idea that the Auditor should be checked out. He must have been looking a bit too secure. So, at about the same time as we were looking to launch into an audit on the Bruce Stadium, the Auditor himself copped an audit—just to let him know he was alive.

In the main, the report of Audit Victoria verifies that the Auditor-General's Office here is operating effectively, efficiently and economically. It made quite a number of recommendations for how our audit could operate, and I think some of them were quite sound. I commend the original audit report and our report to the house. I won't go through these points item by item, save to say that many of the suggestions made by Audit Victoria suggested quite an amount of effort, which I do not think the ACT Auditor could absorb.

We have some diseconomies of scale in this town. We are a small jurisdiction. The audit office is not large, and I do not think that it can implement all of the procedures that are being implemented in the larger states. Audit Victoria seemed to be suggesting that we could. We have in the main come down on the side of the local Auditor-General, who has said that this might be asking too much and he is likely to be bureaucratically bound up in procedure rather than getting on with his job.

As chairman of the public accounts committee over the last three-plus years, I would like to make some comments about the operation of the Auditor because from time to time in this place his opinion is relied on quite heavily. I would refer members to the audit report on the redevelopment of Bruce Stadium. The comments and the conclusions that our Auditor-General could draw from that fiasco were still limited by the amount of information and documentation available. We all know from his own report that the



documentation was very thin on the ground and totally inadequate. It leaves the Auditor in a position where he can really only draw conclusions from the facts before him.

It is important for the house to know that when the Auditor-General signs a certificate he is not saying that everything that was done by that organisation or everything that was done leading up to a particular financial report is absolutely correct and he is swearing to it. What he is effectively saying is: "I have had a professional and studied look at that information, and I have found nothing wrong with it." The Auditor cannot possibly certify that everything that goes into the preparation of a set of financial statements is absolutely accurate. That is an important point, as we see the government repeatedly using these figures from 1995-96 as some sort of indication of the economy that they took over and saying, "But the Auditor certified it. It must be absolutely correct."

For the record, the Auditor has told me that it was correct to the best of his knowledge, based on the information available, but that the information was very thin. Remember, this was a process of back casting information and papers from a previous year—back casting to an era when the records for accrual accounting were not being kept. So it is certainly the best the audit can do.

In that \$344 million year, which the government keep talking about—the middle year of the first Carnell government—the deficit was inflated by an extraordinary item of \$91 million. My personal opinion today is opposite: it is extremely dishonest of you people to use that number and say it was inherited from Labor. Sometimes it is a deficit; sometimes it is a debt. It is actually a deficit, but it was a deficit that occurred in a Carnell year. It was a deficit that was inflated by an extraordinary item of \$91 million, so it is not even indicative of the performance of that year. But still it is used and, I say, dishonestly.

The actual operating figure was \$253 million for that year. The next year the operating figure was \$100 million, and the next year it bounced up again. Anybody who has any familiarity with financial figures would say there is an inconsistency in the trajectory of those figures, no matter how good a job the government is doing, and that these figures are inconsistent with the figures before and after. That would alert someone to say, "Don't place too much reliance on it." The Auditor has told me—and I will say it for the record—that he is quite happy with the balance sheet at the end of that year but rather thinks that the operating performance measured for that year is, at best, questionable and that one should not put blind faith in the last letter of those figures.

Remembering that these figures and these statements were prepared in an era of poor record keeping, as evidenced by the Bruce Stadium report, and very reckless practice within the administration, particularly the financial administration of the ACT, I think it reasonable to cast doubt on that figure as a true indication of what occurred, and I have done so. I am fully confident that the Liberal Party will continue to use that number as a mantra, but in the fullness of time it will remain a commentary on the veracity of the campaign material that this party is likely to use.

I will close by referring to the answer that Mr Humphries put on record today: what he accused me of during his first answer to my question and the evidence he later brought to this place. That is also a sad commentary on the way the Liberal Party is prepared to use

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this place and the way Mr Humphries seems to be quite happy to misrepresent what people have said.

Question resolved in the affirmative.

## **Personal explanation**

**MR HUMPHRIES** (Chief Minister, Minister for Community Affairs and Treasurer): Under standing order 46, I would like to respond to the comments of Mr Quinlan.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Please proceed.

**MR HUMPHRIES**: Mr Quinlan made reference a little while ago to inaccurate views. He referred to what I had said about his comments in question time today. I do not think that he used the word “fantasy”, but the phrase he used that led me to believe he used that word was very similar: the ACT budget surplus was “sprinkled with stardust”. I am sorry that that transmogrified into “fantasy”, but I think that is near enough.

**Mr Quinlan**: Does that count as an apology?

**MR HUMPHRIES**: I apologise for not using the exact words, but the intent was there. “Sprinkled with stardust” is pretty close, and I think I got it more or less right saying what I said about it at question time.

## **Health and Community Care—Standing Committee Report No 10**

**MR WOOD** (3.50): Mr Temporary Deputy Speaker, I present the following paper:

Health and Community Care—Standing Committee—Report No 10—Aboriginal and Torres Strait Islander Health in the ACT, dated 6 August 2001, together with a copy of the extracts of the minutes of proceedings.

I seek leave to move a motion to authorise the publication of the report.

Leave granted.

**MR WOOD**: I move:

That the Assembly authorises the publication of the Standing Committee on Health and Community Care Report on Aboriginal and Torres Strait Islander Health in the ACT.

Question resolved in the affirmative.

**MR WOOD**: I move:

That the report be noted.

If it was a matter of providing good services to Aboriginal and Torres Strait Islander people in the ACT, their health would be very good. But the data for the ACT shows that their health is much poorer than elsewhere. It is not comparable. I acknowledge that Ms Tucker picked up those statistics out of a government report and that this report was commenced at her instigation. It was with some trepidation that I entered down this path. At paragraph 1.17 on page 16, the report acknowledges that:

The committee is acutely aware that it is comprised of three middleclass 'whiteys' with limited experience in Aboriginal and Torres Strait Islander matters and it may seem presumptuous of us to give advice in this area.

I think it was a brave venture for Ms Tucker to refer this to us and for the committee to undertake such a report.

You will be aware that, over a long period, many parliaments, groups and health bodies have tried to take steps to improve Aboriginal and Torres Strait Islander health in all parts of Australia. Many have tried over the years, but nobody could claim that there has been great success.

In 1979, Mr Phillip Ruddock, who was then the chair of the House of Representatives Standing Committee on Aboriginal Affairs, said:

When innumerable reports on the poor state of Aboriginal health are released there are expressions of shock or surprise and outraged cries for immediate action. However, the report appears to have no real impact, and the appalling state of Aboriginal health is soon forgotten until another report is released.

So what chance of success of this report?

The members of the committee—and that includes you, Mr Temporary Deputy Speaker, when you were on the committee—tried very hard to listen to the Aboriginal community in the ACT. We attended to the research that had been done on Aboriginal health matters, and we did our best to respond to what we heard and what we knew about.

I will give the reason for the inquiry in the first place: it was the statistics for Canberra—not across Australia, but Canberra—that revealed their poor state of health. There is an example of this on page 19 of the report. The mortality rate for indigenous males in the ACT is 17.2 per 1,000; for males in the total ACT population it is 8.4. For indigenous women in the ACT it is 43.6 per 1,000; for women in the total ACT population it is 5.4. The average age at death of indigenous people in the ACT is 56.5 years, and for the total ACT population it is 68.4 years. We were given those figures by ACTCOSS. The report goes on in some detail about the various aspects of Aboriginal and Islander health—heart problems, diabetes, cancer, personal injury, drug use—and in all those areas their health is much poorer than in the mainstream community.

As we looked at this, we were well aware that, before we had finished, the ACT Department of Health, Housing and Community Care had developed a strategy for Aboriginal health. We did not believe it was necessary to look at every detail of service provision; we believed that this strategy had done that. We tried to examine issues rather more deeply. We tried to look at matters beyond the provision of services and where

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there are gaps that needed to be filled—not always, because the drug problem was a stand-out issue.

As we went deeper, much of what we heard pointed to a crisis of spirit in the Aboriginal community, and that is so much a background to health problems. Of course, that is inevitable. Poor health outcomes are tied in with dispossession and social and economic disadvantage. It is inevitable. If you are deprived, depressed, if you have been trodden on or ignored and you are treated in all sorts of undesirable ways, concern about your personal health does not rate very highly. Whereas, if you are in comfortable circumstances, you are confident about yourself and you see a bright future for yourself, you are very careful to look after your health. You have got every reason to do so.

There is a long discussion, and I would encourage you to read it, focused on the need to attend to the spirit of our indigenous population. Of course, the report does not cover every indigenous person in the ACT, and we all know that many of them are managing very well, thank you. But as a whole the community is not.

On this question of morale, of spirit, the committee came to the view that reconciliation was an important issue. I quote paragraph 3.21 of the report:

The committee sees immense value in the process of reconciliation, not only in terms of bridging the gap between Indigenous and non-indigenous Australians but also in bringing about real improvements in health outcomes.

There is a whole range of issues confronting the Australian community concerning its indigenous population, and the issue of reconciliation is probably at the top of that list.

We heard—on a quite different aspect, or perhaps it is not so different—from the indigenous community that mainstream services are often inappropriate and ineffective in dealing with health issues. We heard that the uniqueness of the indigenous cultures and the lack of awareness in mainstream services of those cultures discourage indigenous people from seeking or continuing with health care. We had many examples given to us, and people pointed to many negative experiences they had had.

Over many years in the ACT, as elsewhere, strong efforts have been made to understand the cultural differences, not just of indigenous people but of people who have recently come to Australia from other countries. I know that there are programs under way. Indeed, some of the committee members were asked to attend one of those programs, and we had a day in one of our rooms here about it. We know that there are programs in place, but the report points out that there is a great deal yet to do to ensure that indigenous people are comfortable with mainstream services, whether they are public, in hospitals and the like, or private.

It was clear to us, as it is to the whole community, that use of illicit drugs is a major problem among young people in the Aboriginal community. The committee spent some time dealing with that but, rather than go into detail at the moment, I would encourage you to read the report. It presents the single most difficult, immediate and urgent problem that needs to be attended to, and extra support, extra workers and concerted action are needed to prevent that problem getting any worse and to try to improve the situation.

There is an all-too-brief section of the report on ways the broader community might help. If you attend to matters across Australia, as of course you do, you will be aware of the success of Aborigines in a wide range of areas—sport, art, music, dance, drama—and we would like to see young indigenous people in the ACT helped and encouraged to undertake activities in these areas, whether they have got talents in those areas or not.

Much is available in the broader community, but we would like this matter to be taken further. We want to see if we can develop further pathways and, if necessary, develop specific arrangements to encourage young indigenous people into these sorts of activities because nothing, we were told by youth workers in the Aboriginal community, is more important to young kids than to give them something to aim for, a feeling of success and to improve the way they feel about themselves. These are ways that this can be fairly effectively done, and the committee would like to see a lot more work done in this area. There are young indigenous people out there who would be desperate to get some support in that area, and the benefits would be truly enormous.

I said at the outset that I entered into this inquiry with some trepidation. I thought it was fairly presumptuous of the four of us involved to pretend to be any sort of expert in this area. But I found the report a rewarding one. I hope some of the suggestions we have made, emphasising the need to lift the spirit of people, are of benefit. I thank you, Mr Temporary Deputy Speaker, for the period you served on that committee and Mr Rugendyke and Mrs Burke, who attended diligently to the tasks that were set us. I thank Ms Tucker for putting the matter on the agenda, and I hope that the outcome is a reasonable assessment of the problems and that we can have some optimism that attention will be paid to it in this territory.

**MS TUCKER (4.04):** I would like to make a few comments. I have not had time to read the whole report; I have just looked at the recommendations and read some sections of it. Mr Wood's committee has done an important piece of work, and I acknowledge that there is a sense of presumption, as Mr Wood put it, but we have a responsibility to do everything we can in this place as elected representatives of the ACT community to look at all these issues. It is an opportunity to work with the indigenous community and listen to what they have to say about the issues they are confronting. The fundamental role of all of us in this place, whatever the social issue, is to listen to people in the community who are knowledgeable about what is going on.

As chair of the Standing Committee on Education, Community Services and Recreation, I have just tabled a report that looked into services for students and adolescents at risk of not completing their education. We made a number of recommendations in that report regarding particular cultural issues. Mr Wood talked about the cultural sadness in the indigenous community that is apparent to him and others. Of course, there is also great joy, power and amazing courage and stamina in that community, which I find amazing whenever I am working with that community. They have been prepared to work with this committee and consult with them on the issues. In any way that we can we need to support the struggle to find a way to be more confident in the general community.

There is no doubt that there are huge issues. Substance abuse among young indigenous people is a horrendously worrying situation. My committee looking at education made recommendations about cultural discrimination in schools, which are that schools be

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inclusive in their culture and challenge some of the prejudices of the community brought into the schoolyard by the students. We have an opportunity in schools to address some of the cultural issues of discrimination. That has to be recognised as a very important factor in how young indigenous people feel about themselves. They feel they are still seen as other or different, and that is hard for any young human being.

We need to accept that that is still an issue, and it became clear to my committee that it is an issue for Aboriginal people in our society. That is not okay at all; it is totally unacceptable. As a community that cares about one another, we would hope to see a really serious commitment to addressing those issues in any way that we can. In the recommendations here there is reference to quite a number of services and the need for further consultation with the indigenous community on how to improve services. By consulting respectfully, listening, asking and giving control to the community of service delivery, we are also addressing the cultural and esteem problems that Mr Wood alluded to.

I can see, even from a first look at these recommendations, that there is great potential here for whoever is in government after October to make more effort. I am not saying this government has not made any effort in the field; it has. But there is a lot of work to be done, and I am hoping that this report will be useful in how we support Aboriginal people in Canberra.

**MR MOORE** (Minister for Health, Housing and Community Services) (4.09): Although I have only had time to scan through the recommendations, I am determined to make some comment on this today because I think that it is such an important and serious issue. I welcome the report from the committee, particularly such a substantial report, and I am pleased that the committee has recommended that we do the work with ACT and New South Wales people to develop the ACT Aboriginal and Torres Strait Islander regional health plan. Of course, that was done in a coordinated manner using the techniques that were recommended in the report.

All of us recognise—and it is one of the great challenges for future health ministers and ministers who have anything to do with Aboriginal and Torres Strait Islanders—that we have an embarrassing situation. We have an appalling situation where our morbidity and mortality statistics for Aboriginal and Torres Strait Islanders are so out of kilter with those of other Australians that we cannot do anything other than work towards constant improvement.

We try to manage many things within limited budgets. Indeed, we try to manage health within a limited budget. I would recommend to parties and individuals going for election in October that they commit themselves to a significant increase of funding for Aboriginal health. Aboriginal health is not just about what happens within the health portfolio; it is also about what happens in the housing portfolio and within corrections. Those are within my responsibility, but it is also about policing, education and a range of things. Although I have not had the chance to go through this report, I am sure that that would be recognised in it because other members of the Assembly I have spoken to understand that.

There is something else that I think is fundamental—and I am very pleased Mr Wood has come back in for this—to improving Aboriginal and Torres Strait Islander health: that it be done on a non-partisan basis. For that reason I hope that this blueprint from the committee is taken extraordinarily seriously by health. I hope that whoever takes over the health and other ministries involved in Aboriginal and Torres Strait Islander health will work on it. It is something we should constantly be sharing with each other.

There was a time when Ms Follett, as Chief Minister, said to other members, “What we have to do is be very careful not to get involved in Aboriginal politics. We know there are factions there, just as there are factions in this Assembly or in any group, club or society. That is what *Strictly Ballroom* is about. But we have to make sure that we do not get involved in Aboriginal and Torres Strait Islander politics because that would exacerbate problems rather than help us find the solutions.” I would encourage members to continue with that. I think some may have forgotten that that was largely agreed—Mr Wood would remember, two or three Assemblies ago, when Ms Follett was the Chief Minister. It was a sensible idea, and we should carry it through.

In a non-partisan approach to improving Aboriginal and Torres Strait Islander health every one of us can make a significant contribution. That means that the listening you apply to Aboriginal and Torres Strait Islander people you have to apply, if you happen to be in government, to the opposition and the crossbenches. It means that those on the crossbenches and in the opposition, instead of taking the opportunity to take pot shots, will be able to deal with this area in a more considered manner with the minister and the government.

There are great challenges for us. Over the last 3½ years we have made significant progress, and I am very proud of the Aboriginal and Torres Strait Islander regional health plan. But it is only a first step. We do have to be able to achieve much more.

I appreciate the fact that, when Mr Wood chaired this committee—and Mr Temporary Deputy Speaker, among others—there would have been many opportunities for them to make political mileage out of the issues you were discovering. You did not do that. And I think that is the tone that we need to continue with. Particularly for that reason—not just for that reason, but for many others—I am very happy to accept this report. It will not be able to have a response during this Assembly. The department of health and the other areas of my portfolio are now looking at that and are beginning to prepare a response ready for the fifth ACT Assembly.

It may well be, Mr Wood, that you are the health minister and are dealing with your own report—a situation that I found myself in when I first became minister. If that is the case, I look forward to everything we can do to reduce the rates of morbidity and mortality of Aboriginal and Torres Strait Islander people.

Physical action is important, but it is not just a case of respecting Aboriginal and Torres Strait Islander people. We have to do more. We have to value very highly the contribution they make to our community. If we, as leaders in the community, show that we value their culture and them as individuals very highly, that will also have a major impact on their health. That in itself is also an important thing. We have already begun doing it. I have been at many occasions where members have recognised that we are on Ngunnawal land, and I think that is a very good start.

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If you want to have even more good ideas about how to cherish or hold our indigenous population in great respect, have a look at what is happening in New Zealand. I think they are well ahead of us in being able to manage these sorts of issues and manage them well, and there is a lot of the area for us to learn about. Granted, a third of their population is indigenous, so the situation for them is probably more obvious. But it is also a little less desperate. There are many things we can learn from there, whether it is in mental health, corrections or broad health. Mr Wood, I would like to thank you and members of your committee for taking the effort to hand a substantial report to the Assembly.

Question resolved in the affirmative.

## **Crime rates**

**MR HIRD:** (4.17) I move:

That the Assembly commend the Government for its outstanding success in reducing the rate of crime in the ACT by 12 per cent over the last 12 months, and note that this has been the result of the Government's commitment to resource ACT Policing to undertake a range of crime prevention initiatives including Operation Anchorage which has achieved a reduction of 24 per cent in burglaries of homes and a concerted campaign to reduce motor vehicle theft which has seen a reduction of 29 per cent over the past year.

Mr Deputy Speaker, the period 2000-2001 was by far the most successful year ever for ACT policing. In the 2000-2001 budget this government made a number of bold reforms and commitments with regard to policing in the territory. This government undertook to concentrate on outcomes and results. In particular, the Liberal government targeted burglaries and stolen motor vehicles. It provided extra funding for the establishment of a special task force to concentrate on these areas and to undertake, as everyone now knows, the extremely successful operations known as Chronicle, Dilute and, most recently, Anchorage.

This government even had the guts to give a figure on how much it would aim to reduce burglaries by on the previous years—20 per cent. I put it to any member in this house to give me an example of when, with regard to crime, Labor, while they were in power, ever came out publicly and made such an ambitious commitment. I put it to all members to tell me, in regard to crime, one program that Labor undertook when it was in government that was as ambitious.

What were the results, Mr Deputy Speaker? The results of Operation Anchorage are now well established. In fact, the results have been so outstanding that considerable interest from both national and international jurisdictions has been received, with the common question, "How did you do it?" The answer is we set ourselves an ambitious goal—to reduce burglaries by a fifth. We established a task force of over 40 police and gave them the directive that for the next four months they were to concentrate on reducing the incidence of burglaries and stolen motor vehicles. We gave them the tools, we gave them the opportunity, we gave them direction through the minister, and they responded. We added to this a police intelligence unit that analysed all the information gained by the



task force and developed profiles with regard to the modus operandi and the actual burglars.

This resulted, Mr Deputy Speaker, in 233 offenders being charged and a total of 1,469 charges being laid. Operation Anchorage reduced burglaries in homes throughout the territory by 24 per cent and decreased stolen motor vehicles by 29 per cent.

Despite this remarkable achievement, the Leader of the Opposition, Mr Stanhope, and the Labor Party continue to use outdated figures, and only last week Mr Stanhope made the statement that Canberra is still the burglary capital of Australia. I challenge the Leader of the Opposition, in light of the AFP ACT Police statements that home burglaries and stolen motor vehicles are now down by 24 per cent and 29 per cent respectively, and that crime in general has decreased by 12 per cent across the board, to stand up here today and tell us why he is misleading or misinforming the public of this territory. Or does Mr Stanhope think the police are lying? If that is the case the Leader of the Opposition should come out and say so. Why shouldn't he say that he is misleading or that he does believe that the police are lying? Do not slither around with petty references. Come clean.

The same can be said to Mr Hargreaves. Do not go on about crime and talk up doom and gloom one day and then next day tell the police they are doing a great job and slap them on the back. Tell them the situation and they will respond, as they have in this case. You have to make a decision. Either the police are doing their job and crime is decreasing, or they are not. If, like us, you think that the police have done a commendable job and have put considerable effort into crime prevention, then come straight out and support them rather than undermine them at the expense of the community which they serve.

I believe that the Chief Police Officer, Mr Murray, should be commended, and so should all the police officers who took part, not just those who took part in Operation Anchorage, but also the front line troops. The staff who back them also need to be commended.

We must move forward to make this community a safer community. Let us not rest on these numbers. Let us keep up the pressure through our policing, and let us not forget that a good police force is only as good as the community it serves and give it the information it needs. Let us get behind our police force. Let us not take a lead from Mr Hargreaves and say one day that they are doing a bad job and the next day pat them on the back and say, "You are doing a pretty good job." Let's come clean and give them the resources and the credit where credit is due, Mr Deputy Speaker. I look forward to the support of this house for this motion.

**MRS BURKE (4.24):** Mr Deputy Speaker, the ACT Liberals' approach to crime has been proactive and positive and is successful. A recent Australian Bureau of Statistics publication clearly shows the ACT had the lowest rate of crime against the person in the country for the year 2000. This includes the most dangerous and heinous crimes of murder, sexual assault, attempted murder, and manslaughter. The same publication ranks the ACT well below the national average with regard to driving causing death, assault, kidnapping and extortion.

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In line with their stance of living in the past, the opposition, however, claim that the ACT has some of the highest rates of burglary and car theft in Australia, yet, very conveniently, they make no mention of the most recent figures released by the ACT AFP in conjunction with Operation Anchorage. These figures show that burglaries and motor vehicle theft in the ACT have decreased, as discussed by my colleague.

Staffing levels exceeded 750 this year, with an increased reliance on non-sworn personnel to perform a range of administrative functions, freeing up our sworn officers to carry out police duties, a very commendable move. It should also be noted that police no longer carry out prison escort and custodial duties. Officers from Corrective Services perform these duties, and this further frees up valuable police resources.

At this point I would like to congratulate my colleague Brendan Smyth for implementing the volunteer police to assist our officers and allow them to carry out the important jobs like crime prevention. I would like to encourage the minister in his efforts to taking a proactive approach to fighting crime.

There are many excellent measures already set in place for crime prevention in the government's crime prevention strategy, including the closed circuit television cameras in Civic. Already they have proved successful, as a marked decrease in crime and vandalism in the Civic area is evident. There is the Community Crime Prevention Committee, funding for a residential youth detoxification service, and funding for indigenous case management and outreach services. The government has funded additional methadone places and the capacity to provide new pharmacotherapy treatments such as buprenorphine. There is funding for the upgrade of the ACT women's halfway house and many more such projects and programs. Mr Deputy Speaker, these are very positive and practical steps which are addressing the very heart of the matter.

The ACT government is committed to maintaining the region's reputation as a safe place to live, work and raise a family. The government has increased the police budget annually from \$51 million in 1994-95 to \$64 million in 2000-01. This, of course, is in stark contrast to the decreasing of the police budget from \$54 million in 1990-91 to \$51 million in 1994-95 under Labor.

The ACT government does not claim to have all the answers to the ACT's crime problem. Of course, if that were the case there would be no crime at all. But at least it is putting forward concrete policies and alternative solutions aimed at addressing crime in the ACT, which I fear is more than can be said for those in opposition at this time.

**MR STEFANIAK** (Minister for Education and Attorney-General) (4.28): I, too, would like to support this motion which deals with some significant breakthroughs and advances made over the last 12 months, and the spectacular success of Operation Anchorage. It is worth noting that there are three Liberal ministers, I think, in the current government who have been police ministers during that period. I commend Mr Smyth, who had carriage of Operation Anchorage, for the success of the police force in relation to that.

Mrs Burke raised a very relevant point. It is something that I was well aware of, having been the spokesman on policing matters in the first Assembly. I can clearly recall an estimates committee when Terry Connolly was the police minister and the very

disturbing figures that were given to me by the association in terms of a two per cent reduction—a bit over \$1 million—in the 1991-92 budget. That was very concerning, especially as it was coming out of operations. It effectively accounted for about 14 per cent of the operations budget. Sad to say, Mr Deputy Speaker—and I note that you were part of that government—the reductions continued, as Mrs Burke correctly said, until 1994-95 when some \$51 million was spent. You correctly said at some stage in relation to another debate that money isn't everything, but it is important in terms of police on the beat and providing sufficient police to do the job properly. Sadly, that was not occurring.

I am delighted that the police budget has increased. I think it is terribly important that this area is properly funded. The number one duty of any government at the national level is to ensure that the country is adequately protected, and that means that it has an adequate defence force that is properly funded. At a state and territory level, one of the most fundamental tasks of any state and territory government is to ensure that its citizens feel secure from crime, and that means an adequately funded police force. I am delighted that we have been able to do that. I think now it is up to \$67 million or \$68 million. The current police minister, Mr Smyth, no doubt will be able to tell us exactly what it is, but there was a very substantial increase in the last budget.

Mr Deputy Speaker, we have been very lucky in the territory, probably since its inception, to have an extremely competent police force. The ACT Police, in their former guise, and the Australian Federal Police, since September 1979, have served the territory well. They continue to do so. Operation Anchorage, which Mr Hird referred to, was an outstanding success. There was a 24 per cent reduction in burglaries and 29 per cent in car theft. South Australia recently had a 3 per cent reduction in car theft, and they thought it was absolutely wonderful. I think these are outstanding results. The challenge now is to ensure that it continues.

We are served by an excellent police force, with intelligence-led policing. I think there were some 233 offenders in relation to the burglaries during Anchorage, and many of them were well known to police. Many of them were previous and repeat offenders. That leads to other great possibilities.

Early intervention is important. That is something that the opposition and Ms Tucker often talk about. It is something that we have done. Late last year the crime prevention fund, worth some \$1.292 million, was launched. This is an initiative started a couple of budgets ago by the Chief Minister when he was in charge of policing. It is a very good and effective means of early intervention. There are a lot of other initiatives in a broad range of portfolio areas in this current budget which relate to early intervention, and that does get at the root causes of crime, although not completely; you are never going to completely get rid of crime. It is a long term plan. Early intervention does take time. It is something that we might see the benefits of 10, 15 or 20 years down the track. Nevertheless, it is very important.

Effective laws and effective sentences in the courts are very important. It is important that the courts and the judicial and legal system play their role too. It is pointless if at the end of the day people are not going to be punished adequately in the courts. It is pointless if the laws are inadequate to assist the police in doing their job to the best of their ability. Another plank in terms of what this government has done has been to improve the laws there.

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We have had two recent amendments of the Bail Act, the latest one happening yesterday. I was talking to a senior police officer when I introduced the initial Bail Amendment Act. That officer indicated that in terms of recidivist offenders being caught, that amendment could reduce the burglary rate by anything up to 50 per cent. Well, that may be optimistic, but even if that helps reduce it by 10, 20 or 30 per cent, that is very important. Of course, we tightened up a few remaining loopholes in relation to that act which were drawn to my attention by the courts.

Tomorrow we will be debating the Crimes Legislation Amendment Bill and other bills. There is a range of measures there which were put forward by a group involved in prosecutions, the police, the police association, the DPP and departmental people, in terms of what further improvements can be made to ensure that our police have the legislative tools that they need to do their job without one hand being tied behind their back. I have not had a chance to go through Mr Stanhope's amendments. I am delighted that he has given them to me, and I thank him for that, but I am a bit concerned because quite a few amendments say, "Oppose the clause" or, "Omit the clause." That is a bit of a worry.

I think it is very important for the ALP, if they want to have any credibility on crime, to look very seriously at giving the police the necessary legislative tools they need to do their job, and not just oppose measures for spurious and often incorrect so-called civil libertarian principles that are not really principles at all. The community, Mr Deputy Speaker, has a right to be protected. It is a fundamental duty, I think, of any government to do so, and it is important that we have appropriate laws to do that; laws that assist our police force to do their job of protecting innocent citizens and protecting society, and laws that are fair to the criminal.

We live in a democratic system. We have a wonderful tradition which we must uphold if we want to keep our democratic society, but I think it is important to ensure that we do not put the rights of the criminal over those of society. There needs to be a balance, and I think we need to strike that in this Assembly. If we do that we will be enhancing our society and assisting in reducing the crime rate. So sensible laws that assist the police in going about their task are crucially important and are an essential part of this equation.

Mr Deputy Speaker, there may well be more things we can do. There is obviously going to be more that needs to be done in the next Assembly to keep up the momentum that quite clearly has started. There are other measures too that no doubt members would speak about. Mr Moore has ideas—I might not necessarily agree with some of them—in terms of tackling the underlying problems of crime.

I will finish by commending my colleagues for the efforts made, especially in the last 12 months, to assist the police and other law enforcement agencies in this territory to counter crime. I specifically pay tribute to the wonderful work done by the Australian Federal Police in the last 12 months in terms of Operation Anchorage, Operation Handbrake and several other operations they had earlier on with a view to reducing the level of crime in the territory. I think these are outstanding results, especially when you compare them with what is happening interstate. These things need to continue. A lot of effort was put in by the police, and a lot more will be put in. I think we owe a very big

debt of thanks for the magnificent efforts of the men and women of the Australian Federal Police in terms of the successes we are seeing here today.

**MR HARGREAVES** (4.37): I would like to take issue with something that Mr Hird said. He said that on day one I say the police are doing a great job and on day two I say they are not. Even a dyslectic reader would be able to figure out that I only ever congratulate the police if they are doing something well, and I belt the government if they are not allowing the police to do a good enough job. That will be the tenor of what I have to say today.

I reject the notion that Labor, Mr Stanhope or I, either individually or collectively, are undermining the police. In fact, Mr Deputy Speaker, we have been annoyed at the smoke and mirrors approach this government has over the management of our policing services. I remind the chamber that it was my presence on the Standing Committee on Justice and Community Safety which resulted in some faster work in the development of the contract which supports the policing agreement. I have to congratulate the government on that. I think the emergence of the policing agreement was a damn fine idea. We might tinker at the edges and disagree about some of the measures, but essentially we agree on at least that much.

One of the things that Mrs Burke trumpeted about the police just showed her absolute ignorance of what the police do in the town. I do not suppose she has ever met one. She said, for example, that the police do not do court transport work and that that is going to free up resources for the police to do something else. Mrs Burke ought to come into the real world. That has been the case for some considerable time now, for as long, I think, as I have been in this chamber. Any police who may have been freed up by that change have long since been absorbed into the community through the AFP. So to throw that one in our face is, Mr Deputy Speaker, like spitting into the wind; it will just come back and hit you in your own chops.

I would like to sincerely congratulate the ACT contingent of the AFP on their successful result with Operation Anchorage. I commend the government on nothing, but I commend the AFP for their work, so let that go on the record. The reported 24 per cent reduction in home burglaries and the 29 per cent reduction in vehicle theft is outstanding. It needs to be recognised that the 20 per cent has been exceeded. Congratulations need to be forthcoming and I am happy to acknowledge that. If these results are true, then this is a fantastic result.

I look forward to seeing the clear-up rate statistics. We have not seen them as yet, and they have not yet been trumpeted by the government. All we see is that many people have been charged. I have no doubt that there are multiple burglars and multiple motor vehicle thieves out there. People are running around doing a great number of these jobs, and pinching them and dragging them before the court will have an effect, and I think it's a terrific achievement. I look forward to seeing what clear-up rates and what conviction rates will apply to those charges, and what property recovery has occurred.

I recall speaking to Superintendent Castle from my own dear electorate of Brindabella about this very thing. He told me that 90 per cent of vehicles are recovered, and most of them, 80 per cent, are recovered within 24 hours. That is a terrific success rate. I have not seen those anecdotal things appear in the official stats.

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Mr Deputy Speaker, this result has been long overdue. It has taken this government six years to address the problem. It is no good giving us history lessons about what Ms Follett did in 1991 or what Labor may have done in 1995 and 1994 without expecting a similar history lesson in return. It is a fact that when Labor was in there were 20 more police per 100,000 people in the ACT than there are now, even with the extra 50 police that have been allocated to the AFP, so let us not trumpet any success government versus government.

Over the years the Productivity Commission reports and the ABS reports have provided a true indication of where crime is heading in the ACT. I think one of those reports labelled Canberra as the burglary capital of Australia. The most recent ABS report stated that Canberra still has the highest rate of motor vehicle theft, notwithstanding the very significant reduction. We still have the highest. Mrs Burke said we have not acknowledged the rate at which personal assaults have dropped, but I will come to that later.

Mr Deputy Speaker, the writing has been on the wall for six years. It has taken until now for this government to act. A cynic would say they have acted because it is an election year and they want the flashy statistics for their election brochures. Well, in 1995, when Labor was last in office, there were 1,646 vehicle thefts, 4,998 burglaries and 6,873 property damage incidents. In the year 2000, after five years, vehicle thefts were at 3,087, burglary at 7,944, and property damage at 9,813. In five years vehicle thefts have doubled, burglaries have gone up 58 per cent and property damage has gone up 43 per cent. In my view, in the last five years the government, just like Nero, has fiddled while Rome burnt.

It is great that Operation Anchorage has been a success, but if it was such a success why don't we keep the initiative going? We should have designated officers working on particular crime problems every day so that the figures do not spiral out of control again.

There have been rumours that other areas of policing have suffered because officers have been pulled from normal operational duties to work on the task force. In an answer I received to a question on notice, the minister said that 45 officers were working on Operation Anchorage and they were pulled from the territory investigation group, patrols and support areas. The minister admitted that Operation Anchorage invariably was impacting on other areas of ACT policing. These special task forces need to be run while maintaining normal policing levels. It is unsatisfactory to reduce the number of random breath tests during the three months that a task force operates.

I understand that the Belconnen station has been operating below strength. In a response I received from the minister he said that individual shifts have been substantially below strength on a number of occasions. When we confront the minister publicly, like the former Chief Minister he denies it. He denies and denies.

It is amazing how the minister picks the good bits out of crime statistics and puts unbelievable spin on it. This was most recently seen in an article written by the minister in the *Canberra Times* on 30 July this year. He referred to some pretty amazing figures. For instance, the minister referred to an ABS report of 2000 which showed that the ACT had the largest decrease in stolen motor vehicles, but he stopped midway through the

sentence. If he had continued with the whole sentence, it said, "... although they still recorded the highest motor vehicle theft victimisation rate for 2000 at 925 victims per 100,000 persons." You forgot that bit, didn't you, minister?

In the article the minister talked about the ACT having the lowest murder, sexual assault, attempted murder and manslaughter rates. However, he did not mention that assault, unlawful entry with intent and property theft have increased. Indeed, a member of this place was threatened with a knife-like object not long ago in a public car park in the middle of the day. That member would not be all that impressed with these sorts of stats.

What disappoints me is that we live in a city now where it is not safe to walk to your car. It is a sad state of affairs that the ABS office in Belconnen, the department of health and the department of family services at Woden have employed security guards to escort people to cars after work. This is not happening at night; it is happening between 4 and 6 pm. A mother and child had their car stolen at knife-point in the middle of the day at Belconnen Mall. There was also an incident at Tuggeranong. (*Extension of time granted.*) Thank you very much, Mr Kaine, Mr Humphries, Mr Rugendyke and anybody else who is listening in on the TV.

The government trumpeted that an extra 50 police would come on stream and said that they would go out there in the community. In fact, those extra 50 police were made up of 15 additional police and six beat police officers—and we differ about the definition of those, but we recognise that we have at least six more officers out there—and the other 29 were supposed to come from the communications centre. Well, this is the first bit. Nineteen sworn officers vanished.

We talked about the 29 communication centre officers. I am sure Mr Rugendyke would be interested in this. He would remember us being promised 29 uniforms as a result of the civilianisation of the comm centre. Well, it turns out that 10 of the 29 were non-sworn officers. There is a bit of a porky applicable here. We are missing 10 already. It was last week I discovered that of the 19 in the communication centre, they didn't all return to operational duties either. It appears that seven left the AFP and were not replaced, three were promoted and were not replaced and nine were redeployed. The ACT only got nine officers out of 29. It is amazing what you can find when you scratch the surface.

Imagine what could be done if we were to use those vanished 10 officers and the other 10 who were not replaced. Possibly we could have activities like Operation Anchorage as a lasting and permanent feature. If my memory serves me correctly, when we talked about the budget for the 50 police officers it was stressed that those people would be applied to task force work.

The Operation Anchorage results are great, and I want to congratulate the police, but it is glaringly obvious that more needs to be done. This is not the time to sit on our hands. Canberrans should feel safe in their homes and safe walking to their cars, and this government has failed ACT residents over the last six years. To suddenly start dealing with it now is all a little bit too late.

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Today in question time I asked the minister about the resourcing. People ought to be concerned about this because it is about money. For every extra dollar that physically emerges to the AFP another uniform can emerge. In March the minister said the extra cost to go to the AFP for on-costs is \$7 million. Three months later it goes to \$14.5 million. I asked him where is that other \$7½ million? The answer is this: either there is an additional appropriation or it comes out of the AFP funds. I want to know what part of the AFP will suffer the cuts if that \$7 million is not found.

Mr Temporary Deputy Speaker, finally I want to go on the record as congratulating the police on a magnificent effort with their 20 per cent reduction. They far exceeded it. I have no qualifications about that congratulation at all. I do not congratulate the government. I congratulate the hardworking officers at the AFP. I understand that Mr Rugendyke is going to move an amendment to this motion. I hope Mr Rugendyke is going to move to congratulate the police and not the government. I think the congratulation has to go to John Murray and to the officers who serve under him. That is where we start with the congratulations, and then we work downwards. People in this place do not deserve a thing.

**MR HUMPHRIES** (Chief Minister, Minister for Community Affairs and Treasurer) (4.52): Mr Temporary Deputy Speaker, it is sad to see this very uncharacteristic approach being taken by the Labor Party towards the question of crime. The Labor Party, certainly over many years when we were in opposition, argued consistently that it was extremely important for members of this place not to exploit or misrepresent crime figures. It was particularly important not to use figures about crime to argue that the community was unsafe; that the ACT community was a place where people fear to go out at night and fear to walk alone. Phrases like that were jumped on from a great height by the Labor Party when it was last in office. It argued that members of this place have a responsibility not to alarm people through the use of figures, particularly so as to distort the reality of what is happening. They argued again and again and again that the most important point about crime in the ACT was that the ACT remained the safest place in Australia; that its levels of crime across the board were lower than other jurisdictions, and it should be seen as a safe place relative to other parts of Australia.

**Mr Hargreaves:** Except for after dark.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Mr Hargreaves, you were heard in silence. The Chief Minister has the call.

**MR HUMPHRIES:** What we have from Labor is a return to those days of exploitation of the fear factor in crime. I am very disappointed to hear that. We heard in Mr Hargreaves' speech a moment ago simultaneous praise for the police in reducing levels of crime and acknowledgment that some of the lines that have been run on crime, about Canberra crime being out of control and things like that, cannot be sustained any longer, and that the police deserve credit for having reduced crime. Yet woven into the midst of this language were phrases like: "We live in a place where it is not safe to walk to your car", "Woman held up at knife-point", and "Mother and child abducted in their car".



Mr Temporary Deputy Speaker, is Labor promising us that on coming to office none of these things will happen? That we will not be held up at knife-point in daylight? That a mother and child will not be abducted in their car by somebody intent on no good? Is Labor saying that that is what is going to be the case? Of course they are not. It is selfish exploitative politics to use the crime figures in that way. You have mock indignation, Mr Quinlan.

**Mr Quinlan:** Yes, mate, I do.

**MR HUMPHRIES:** Go back and read what you yourselves were saying, what the Labor Party were saying—

**Mr Quinlan:** Well, let's go to honest politicking, Gary.

**MR HUMPHRIES:** Mr Temporary Deputy Speaker, I heard Mr Hargreaves in silence, and I ask for a similar privilege.

**Mr Quinlan:** You directed a remark at me.

**MR HUMPHRIES:** You people argued that we should not exploit crime figures when you were in office, and today you are doing just that. What is more, you are exploiting those crime figures in an environment where there is actually lots of good news about crime, as we have achieved some real difference in the incidence of crime in this community.

We say we are concerned about the quality of life in this community and about the safety of the community. We have backed that up in recent years by addressing what were, I think, fairly described as shortcomings in the infrastructure of crime fighting and crime prevention in this city. We acknowledged that police numbers were inadequate to deal with the incidence of crime in certain areas, and we have improved those police numbers, not just at the fringes but significantly. We have made a difference to the way in which that outlay of resourcing has occurred and it has resulted, in part, in improved outcomes on crime.

I know that some people would care to say that this difference is made entirely of smarter, better policing. I want to put on record that I believe that there has been smarter, better policing in this city over the course of the last year or two. We have had a focus on outcomes, a focus on intelligence driven policing, which has had tremendous impacts on the rate of crime in many categories across this city, and our community ought to be very thankful for the contribution which has been made by very dedicated officers in a variety of ranks from chief police officer down to constable. But that has not been possible without changes for which government is responsible, changes by virtue of improvement in resourcing.

I point out that every year we have been in office we have improved resourcing to the Australian Federal Police, and it is worth remembering that every year Labor was in office it cut resourcing to the Australian Federal Police, I think with one exception. It cut resourcing to the Australian Federal Police. It reduced police numbers. We have increased police resourcing every year we have been in office, and the last few years we have increased the numbers of police as well.

Some points were made by Mr Hargreaves. You had the lowest ratio of police to citizens. The fact is that we inherited that number of police from the Labor Party. It was only when we eliminated Labor's \$344 million operating loss that we were able to do anything about finding the money to put extra police on the streets of this city. We have now done that. Those police are there. We intend to make sure that they are used productively to reduce the incidence of crime in this city, and the figures are there. There has been a 12 per cent reduction in crime in the space of one year, and a 21 per cent reduction in burglary in the space of one year. That is a significant achievement, and, with great respect to those people who heap praise only on the police's shoulders, it was not possible without extra resourcing, which of course came from government.

Mr Temporary Deputy Speaker, I think we should reject the politics of fear and phrases like: "It's not safe to walk to your car in this city." That is irresponsible, and I think Labor should be condemned for that, particularly in an environment where the crime rate is getting better. At least when Labor was in office the figures on crime were deteriorating on a year by year basis. We have demonstrated and provided an improvement in the course of this year, and we should get credit for that.

Mr Hargreaves questioned the provision of 50 extra police, and, frankly, he was fast and loose with the figures. Mr Hargreaves pointed out that some of the 29 police who had been transferred when the communication centre was civilianised were unsworn police. That may be true, but unsworn police also have a role to play in the provision of policing in this city. Not every person who is on the payroll of the AFP can be a sworn member. You need unsworn people behind them in order to provide the workings of the engine room to make sure that the people out there on the prowl are actually sworn police, properly trained police. In those circumstances, freeing up unsworn police in the communication centre allows those police to be slotted in elsewhere and again free up sworn police to go on to the front line of policing. So it is untrue to suggest that by civilianising communications and having some of those freed up people being unsworn police you do not produce some benefit for policing. Of course you do.

Mr Hargreaves also suggested, I think quite mischievously, that some of the police quit subsequently and were not replaced. The fact is that police quit all the time. We would prefer in some cases that they did not, but they do. But the point of our relationship under this contract, which Mr Hargreaves praised, between the ACT government and the Federal Police is that we end up with—

*At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR HUMPHRIES:** The fact is that police have to go all the time, but they are replaced. That is a contract with the federal government. They are replaced. Sometimes there are lags in that. Occasionally we do not get the replacements as quickly as we would like. But it is simply untrue to suggest that people who might have resigned, ex-communication staff or anyone else, are not going to be replaced. It is simply not true. That is the sort of distortion and misleading we have had from Mr Hargreaves in this debate throughout the last few years. *(Extension of time granted.)*

Thank you members. I will be brief. I simply say that we have seen a remarkable result in these recent figures. Rather than continuing with scare tactics like “burglary capital of Australia”, members should accept that there has been a change in the environment and be prepared to give credit where it is due, and cease, in particular, to use language that might be frightening to this community.

If we see, for example, a deterioration in the quality of literacy and numeracy in our schools, it is probably fair comment to get out there and make some adverse remark about the quality of education in schools. Up to a point it is fair comment. No-one is going to stop sending their kids to school because of concern about literacy and numeracy. But to suggest to people that there is a level of crime in the community which is not actually the case, to use phrases like: “It’s not safe to walk to your car anymore,” or phrases like: “We are the burglary capital of Australia,” when that is patently untrue, is irresponsible. I urge members not to succumb to that temptation.

Mr Temporary Deputy Speaker, a question was posed by Mr Hargreaves about the extra money which has been agreed to be supplied to the Federal Police. He suggested, again mischievously, that that money might come from some other part of the AFP’s budget. That will not be the case. It cannot be the case. We are required to pay extra to the Federal Police, and that means we have to pay extra to the Federal Police, not by simply shuffling the deck chairs and pretending that we have actually given them more money. That is clear. That is on the record. That will have an implication, of course, for the budget, but it is not a matter which will affect the operation of the Australian Federal Police.

I hope that this debate will trigger some realisation on the part of members opposite that the very cute game they have been playing on crime in this community cannot be continued.

**MR RUGENDYKE (5.04):** It is a pleasure for me to rise to support this motion to congratulate the Australian Federal Police, ACT based, on the reduction of crime by 12 per cent in the ACT. These are very good figures and something to be proud of. It is good to see that operations such as Operation Anchorage are having so much success. These successes are no doubt as a result of many initiatives taken by the Australian Federal Police. It has been particularly noticeable that things have improved out of sight, in my view, since the appointment of Commissioner John Murray .

**MR TEMPORARY DEPUTY SPEAKER:** Mr Rugendyke, you may care to move your amendment now, or would you rather wait until later?

**MR RUGENDYKE:** Thank you, Mr Temporary Deputy Speaker. I move:

Omit the word “Government”, substitute the words “ACT Police”.

I have moved that amendment because I believe that credit should be given where it is due. It is all right for the government to beat its chest and say how good they have been, but, let’s face it; it is the police who have done the work. As I was saying, there has been a noticeable difference since the appointment of Commissioner John Murray, a man for whom I have a great deal of respect due to the several times that I have met him around town.

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**Mr Quinlan:** He speaks well of you too, Dave.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Quinlan, please do not interrupt. Mr Rugendyke has the floor.

**MR RUGENDYKE:** No, he was also congratulating Commissioner Murray on his appointment and agreeing with me on how astute he is in focusing police work on such things as Operation Anchorage and his approach of intelligence led policing, the suburban policing program, the mounted police patrols, and the concentration on the community aspects of policing as well as the front line law enforcement issues.

One speaker—I cannot remember who—mentioned stolen motor vehicles. The increase in the recovery of stolen motor vehicles is very pleasing. Prior to Mr Murray's appointment there was a bloke named Ron McFarlane who was in the force. He is no longer in the job. He outlived his usefulness to the AFP, but his photographic memory led to the recovery of very many stolen motor vehicles. In fact, I think that skill of his was underrated by the previous management of the AFP. It is good to see that current stolen motor vehicle squads are apparently doing well in recovering vehicles.

It could also be, I suggest, that the return to specialist squads will contribute to the clear-up of crime. I refer specifically to a belief I had that the AFP may be considering a return to a juvenile aid bureau. If that were the case the police would be pouring resources into a very important area of crime prevention. The juvenile aid bureau would work closely with the youth in our society, just as they did in the past, to guide, to direct, to assist and to ensure that young people do not head down the road towards a life of crime. Of course, there will be some that do, but it is my view that with a juvenile aid bureau there is a much greater chance for a diversion from a life of crime.

Mr Temporary Deputy Speaker, it is a pleasure to be able to congratulate the police on their outstanding success in what they have done, and I would encourage support for my amendment which places credit where credit is due.

**MR QUINLAN (5.10):** I am very happy to support Mr Rugendyke's amendment to this motion. I recently had cause to be up close to our police force in action. The treatment I received was exemplary, and I trust that that treatment is typical of the treatment that everybody else receives. I think I could also claim to a minor contribution to assisting in the clear-up rate of crime in the ACT in that I went and got their number.

I think the ACT does have a good police force, but it is not one that is totally above any criticism. That police force does not exist. A police force that does not have members with low morale does not exist anywhere either. Certainly, the policemen that I know and the ex-policemen that I know do have some criticisms to make of the police force as it operates today. Nevertheless, I think the ACT does have a better performing police force than most jurisdictions in Australia, and I think it is right to have faith in that police force; but I might say to Mr Rugendyke that blind faith is dangerous. To have blind faith is a danger.

**Mr Rugendyke:** Trust, blind trust.

**MR QUINLAN:** Absolutely. Mr Rugendyke, I know you have this high identification need, but let's not be blind to facts and figures. It is clear from the figures we have seen that there is a recorded reduction in crime. I heard some sources cast doubt over the extent of those figures, but it is also to be remembered that we are coming off an extremely high peak in some areas of crime.

I want to turn, Mr Temporary Deputy Speaker, to the breathtaking hypocrisy of the Chief Minister not long ago on this particular topic in berating members of this place for conducting a scare campaign. I seek leave to table copies of a couple of newspaper articles that date back to 1993 when the Liberal Party was last in opposition. The campaign included the headline in the *Community Times* "Terror stalks Civic after dark—Liberal, Kate Carnell", and another, "Cuts put women at greater risk of attack, says Carnell", in the *Canberra Times* in February 1993.

Leave granted.

**MR QUINLAN:** I present the following papers:

Police staff cuts—Risk to women in Civic—Copies of newspaper articles:

The *Canberra Times*, dated February 5, 1993, page 5.

*Community Times*, dated February 11, 1993, page 1.

**Mr Stanhope:** "Civic no-go area."

**MR QUINLAN:** Yes.

**MR TEMPORARY DEPUTY SPEAKER:** Order! The Leader of the Opposition will come to order.

**MR QUINLAN:** I trust that they will be incorporated in *Hansard*, Mr Temporary Deputy Speaker. I wish to say little else other than to repeat that I do not believe there is any real reason to reduce our efforts in addressing crime in the ACT. As I said, we have come off quite a high peak in the past, so a reduction probably would be statistically inevitable. Let us hope we can keep going in that direction. That is where the proof will be—in whether we can keep that level of reduction going.

**MR STANHOPE** (Leader of the Opposition) (5.14): I only want to say a couple of things in this debate. I want to comment on some of the remarks of the Chief Minister as well about how under this government there have been increased resources every year and increased police numbers every year. Members who are genuinely interested in this debate and the nonsense that has been spouted by the government about their dedication to the police and to crime-fighting should get out the Productivity Commission's latest *Report on Government Services* and look at some of the statistics and some of the findings of the Productivity Commission, the independent umpire that we have in relation to police and police numbers.

We find, for instance, despite all the nonsense just spouted by the Chief Minister, that sworn police staff in the ACT in 1993-94 numbered 223. Sworn police staff in the ACT in 1996-97 numbered 208. The Libs took over and the numbers died, yet we have just

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heard this absolute nonsense from the Chief Minister about how the numbers have been going up and up, and how the resources have been going up and up. When you look at some of the other findings in the Productivity Commission's report you find that we have the lowest number of police per head of population in Australia. Police in the ACT have a staff ratio of 230 per 100,000 in the ACT. It ranges up to 557 in the Northern Territory. They are the findings of the Productivity Commission.

There is a whole range of other data in the Productivity Commission report that people who are genuinely interested in the facts in relation to this issue should go to. We find, for instance, a table headed "Victims of assault: outcomes of investigations, 30-day status, 1 January to 31 December 1999". It shows the investigations finalised as a proportion of total investigations. In the ACT it was 42 per cent. Let me just run across the range: 42 per cent finalised in the ACT, 63 per cent in New South Wales, 47 per cent in Victoria, 54 per cent in Queensland, 55 per cent in Western Australia, 60 per cent in South Australia, and 46 per cent in Tasmania. In 1999 the ACT had the lowest number of finalisations.

I do not know whether I should keep going through them. Yes, here is another one, outcomes of investigations into property crimes for the year 1999. Eight per cent of investigations nationally into reported unlawful entry were finalised within 30 days. The lowest rate of finalisation in the nation was in the ACT.

This government turned Canberra into the burglary and car theft capital of Australia. There has been a very good recent reduction in burglary and car theft numbers, and this has been parroted and heralded. The result of Operation Anchorage—an excellent result for the community—is that now, instead of one in every 10 houses being burgled in the ACT every year, one in 12 is burgled. If you live in a street with 50 other houses in it, last year one in every five of your neighbours was burgled. This year it is only one in six. Of course, that is a tremendous advance, but let's put this in some perspective.

This government, through its neglect of these areas, turned Canberra into the burglary and car theft capital of Australia. The Labor Party does take this issue very seriously and we will respond to it. The people of the ACT are sick and tired of the neglect and mismanagement. Just think about some of the money involved. Just think about the mismanagement of the fiasco that is Bruce Stadium. Let's think about—

**Mr Smyth:** The record is back on.

**MR STANHOPE:** That is right, and you will hear it again and again. Just think a little bit about the hospital implosion. These were major disasters of this government supported fully by Michael Moore. Do you know that Michael Moore is going to leave this place in a couple of months time and not once in the last 3½ years has he questioned this government's performance in relation to the hospital implosion, or Hall/Kinlyside, or Bruce Stadium? It's interesting, isn't it. It is the Independents, the arbiters, those from the crossbench, who are supposed that keep governments honest, and he has supported absolutely every mistake that the government made in relation to Bruce Stadium.

**Mr Moore:** You have to look at the alternative. You should have looked at the alternative.

**MR STANHOPE:** Mr Moore has ignored the entirety of the 14 reports of the Auditor-General in relation to Bruce Stadium. It's breathtaking, isn't it? It is breathtaking that Mr Moore could find not one thing in the Auditor's reports that was worthy of his support or condemnation, not a single thing. It's amazing, isn't it? Absolutely amazing.

There is one other thing I will say in relation to the police. Today a member of the Labor team in the Assembly, a member of staff in Mr Wood's office no less, Rebecca Goddard, ceased her employment with the Labor Party to take up a career with the Australian Federal Police. That is a major contribution by the Labor Party to this dreadful level of crime and concern about community safety in the ACT. This is how seriously the Labor Party takes it; that we are prepared at this time in the electoral cycle to send our best and fairest to seek to undo some of the damage that this mob opposite has done.

I would like to conclude with one final remark just to put some perspective on some of the continuing issues in relation to community safety and police. I refer to the outcomes of that enormously expensive survey that the government commissioned. I forget what it is called. It cost \$110,000. I remember that. In terms of levels of community concern about this government's commitment to service delivery, the greatest level of decline in satisfaction was this community's level of concern about police resourcing. The greatest negative result and return from the survey of the people of Canberra in relation to the delivery of government services was in relation to resources for police. And when was that survey undertaken? It was in July this year. That is the community's vote on how this government has performed in this area. This is the area that they regarded with least satisfaction, of all areas of government service delivery.

The nonsense that we have heard over the last hour or so from the other side has not fooled the people of Canberra. They know what is going on. They are awake to you. They know you have not done well. On your own survey, the one you tabled, the people of Canberra gave you a very big cross—not too well done. It was not a particularly good report card on policing from the Canberra community. The area on which you were marked as having produced your greatest failure was this area.

**MR SMYTH** (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (5.22): Mr Temporary Deputy Speaker, the praise that those opposite offer to the police is quite amazing. As they give with one hand, as they always do, they take back with the other. Mr Quinlan spent his speech praising the police on what a good job they had done, but finished with the final quip that it was statistically inevitable that the crime rate would come down. So apparently, whatever it is that the officers of the AFP have done, according to the Labor Party, it was just statistically inevitable.

**Mr Quinlan:** You have been sitting next to Gary for too long, Brendan.

**MR SMYTH:** They were your words. You said it was statistically inevitable. That goes exactly alongside the words from Mr Hargreaves when he said, "If these results are real, it's a great achievement." So yet again they doubt the figures supplied by the police. The ACT Labor Party doubt the local officers of the AFP. They doubt the police.

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There must be an election in the air, Mr Temporary Deputy Speaker. Mr Hargreaves, the would-be minister for police, the man who called the local AFP officers Keystone Cops and Constable Plods, I think—he later apologised for it, and rightly so—seems to be a bit schizophrenic about what he is saying because this is a quote from Mr Hargreaves in the *Chronicle* of Tuesday, 31 July 2001:

“Not only does the Government fall well short of their target, they also have not redeployed officers to where they originally said ...” He said residents had been lured into a false sense of security as crime figures continued to escalate and, “the Government has had to resort to fudging the police numbers”.

That is not true, Mr Temporary Deputy Speaker. I think Mr Hargreaves must have had the graph on its side. If he turned it up the right way he would realise that the graph was going down. The magnificent effort of the AFP in the ACT has reduced crime across the board last financial year by 12 per cent.

Mr Stanhope cannot help himself. Like all hollow men he comes down here with his litany that he has learnt off by heart. That is all he has learnt. This is the man who said, when he became Leader of the Opposition, how the face of Labor had changed. He said they were going to be cooperative and work together, but we have seen none of that. He comes down and he pulls out a productivity report that is already out of date. It was out of date when it was printed. When that report was being put together we were already putting in place operations like Chronicle, Dilute, and Handbrake. We were increasing funding, unlike those opposite who reduced funding. In their last year it went from \$54 million to \$51 million because they had no commitment to policing in the ACT. They cut policing, unlike us. We have increased the funding to the AFP.

All that Mr Stanhope knows is the things that he has learnt off by heart, and he just comes back with his little litany. He has not had an original thought ever. He says, “Go to the Productivity Commission report. We have the lowest number of sworn officers.” Well, that is true. That is because Labor was not allowing police officers to do what they were trained to do, combat crime. We have said, “You, as police officers, should be out there fighting crime, not stuck in offices, not stuck behind desks or staffing radio rooms. You need to be freed up so as to be out there doing what you are trained for, doing what people like Mr Rugendyke were trained for, actually fighting crime.” So we actually have a far more effective police force than they could ever run, and we have the proof to prove that that is correct.

The other thing that Mr Stanhope always forgets to tell people about when comparing things is that we are a city state. We are a very small jurisdiction. When he quotes the huge number of officers per 100,000, say, that the Northern Territory has, that is because it covers a huge area of land. We are a city state. We do not have many water police, for instance, unlike those scattered up and down the coast of New South Wales or along Queensland. We maintain some officers on the lake. We, for instance, do not have an air wing. We do not need one. We are entirely different. This is what their blinkered approach is, this is what their simplistic approach is, and this is why we hear their cant without any thought about how they would make a difference.



We have made a difference, Mr Temporary Deputy Speaker. We have put the facilities there for the police to use. We have put the money there. We have given them the equipment that they have asked for so that they can get on with protecting the people of the ACT and combating crime.

On Tuesday, Wednesday and Thursday of last week, according to the Labor Party spokesman on policing, we actually had escalating crime figures. It was all going up Tuesday, Wednesday, Thursday. On Friday when he was on the radio he was congratulating the AFP officers on their wonderful job of bringing the figures down. Today we hear doubt. He says, "If these results are real it's a great achievement." What sort of relationship is the would-be minister for police going to have with the police force when he doubts their figures?

Mr Hargreaves goes on in the article in the *Chronicle* to say that the government has fudged the police numbers. Not true. The police numbers we provided came from the police. If Mr Hargreaves does not believe the police, what sort of relationship are they going to have in the future should they get into government when they have no commitment? They oppose. They were not interested at all in the closed circuit TV cameras in Civic which have proved to be an immensely useful tool for the police in stopping crime and solving crime. They were very wary when they came to the Bail Act. Yesterday they opposed amendments to the Bail Act.

The police told us that they wanted the tools to do their job properly. We have backed them up financially, we have backed them up politically, and we have backed them up legislatively to let them do their job. Those opposite have ignored them, or, worse than ignoring them, have cast doubt upon their figures and have called them Keystone Cops and Constable Plods. We have given them the tools, we have given them thermal imaging cameras, we have given them DNA and we have given them closed circuit TVs. I guess that under the Labor Party technology was upgraded from pencils to ball point pens, because that was all they were capable of delivering or thinking about.

Mr Temporary Deputy Speaker, the figures that we quote have been provided to me by the police. They are the police figures that Mr Hargreaves casts doubt upon. He does not believe the police. The faint praise that police get at last is only because we are in the home run to an election and he has suddenly realised that he has upset 750-odd voters. John, 750 voters are not going to save you because they do not believe you. We have given them the tools to do their job properly, and we will continue to do so. We know that a strong community is a safe community. We have involved the community through things like the police volunteers, the community crime reduction initiatives and by listening to the community. We give them what they need. We will continue to do that.

I am happy to support Mr Rugendyke's amendment. All praise to the police. They have done a tremendous job in the last six months in Operation Anchorage. They did tremendous jobs in the years before that in Chronicle, Dilute and Handbrake. Mr Quinlan said it was statistically inevitable that the figures were going to come down. Well, we are bucking the trend nationally. No other jurisdiction is putting out their figures, and I can tell you why—because in the main they are going up.

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We support Mr Hird's motion and we support Mr Rugendyke's amendment because it is appropriate that police get the credit that they deserve, not the faint praise that they get so grudgingly from the ALP.

Amendment agreed to.

Motion, as amended, agreed to.

## **Public housing—rent increases**

**MR WOOD** (5.31): Mr Temporary Deputy Speaker, I move:

That the Assembly urges the Minister for Housing to increase rents on public housing in an appropriate manner and not impose hardship by sudden or dramatic increases.

Through ACT Housing, the government is the largest landlord in the ACT, and it should be a model landlord. From 26 May 1998 the ACT has had new tenancy laws under the Residential Tenancies Act 1997, which I will describe as the RTA. These tenancy laws applied immediately to new ACT Housing tenancies, and existing tenancies have been covered since July 2000. These laws are designed to protect both landlords and tenants through their ability to access the Residential Tenancy Tribunal on a range of matters, such as evictions, maintenance and rent increases.

On my reading of that act—and I will await with interest Mr Moore's interpretation; we have already differed once today—the rent increases are covered by part 5 of the Residential Tenancies Act. Specifically, section 68 of the Residential Tenancies Act sets out the definition of an excessive rent increase. It states that rent increases in excess of 20 per cent greater than CPI increases need to be justified by the lessor. According to the latest CPI figures from the ABS, the upper limit on this increase is marginally over 5 per cent. Hence the average rent increase of 9.8 per cent that the minister boasted of in his press release seems to me to be nearly double the reasonable increase.

If I take as an example a rent of \$200 a week on a tenancy that began in March 2000—and I know that is a high rent for ACT Housing—under the formula in the act the maximum increase should be \$11.71. Any increase higher than that should be justified by the landlord, and the onus is in the landlord to convince the Tribunal why it should be permitted. That is my interpretation of the process. Yet I have heard of rent increases of \$30 a week in Spence, \$26 a week in Yarralumla, \$34 a week in Griffith and \$30 a week in Curtin. It seems to me that, under the RTA formula, all of these increases are clearly excessive. I believe that all those increases were improperly imposed.

Further, the tenants have one common complaint—lack of routine maintenance. Time and time again, I hear, "My house has had nothing done to it for years. Why should I pay this large increase?" I will be interested to hear the justification. As a model responsible landlord, surely any rent increases proposed by ACT Housing should conform to the provisions of the act. Am I wrong in my interpretations?

The minister acknowledged that he had made a mistake when he said that reviews had not been carried out. Reviews have been carried out but over the last three or four years following a review, there has been no rent increase. Reviews seem to be a requirement; a subsequent rent increase or decrease seems not to have been a requirement.

As I have indicated, people were notified of very large rent increases. Tenants who receive a notice of an increase and believe it to be excessive can apply to the Residential Tenancy Tribunal to have that increase reviewed. I understand that, after the present round of rent increases, the Welfare Rights and Legal Centre is considering mounting a group action in the Tribunal to help tenants who believe their increase has been excessive.

In any case, I believe the minister has acknowledged that many of the rent increases are excessive. I have heard him say in the media, "Well, if people are concerned about it they can appeal immediately to the department for a review of that rental increase." If he is saying that, it is surely a recognition that there is a problem, and that problem is that the increases were excessive.

The Labor Party does not oppose rent increases but we feel that the proposed increases should have been in line with the provisions of the RTA. After all, the RTA only passed through the Assembly after extensive consultation with both landlord and tenant groups.

These excessive increases could be seen as part of the government's plan to force market rent payers out of their properties. The minister denies this. The circumstances ignore the fact that many market rent payers are still on low incomes and often do not have secure employment. I am not talking about rich people. Even those paying full market rent are usually struggling financially. Forcing these people into the private rental market is not a viable option.

Canberra has the third highest rents of capital cities. Only Sydney and Darwin, with its rapid expansion at the moment, are higher. Many ACT Housing tenants simply do not fit the private rental profile. They are often single mothers or fathers who do not have a great rental history, are too young or have casual employment and hence are knocked back when they apply to rent privately.

This group of tenants is already under attack by the government's decision late last year to abandon security of tenure and in future to evict tenants whose incomes fall outside very rigid guidelines. The minister has used the excuse that the increased rent will be used for maintenance purposes. Even if I accept this argument, once this group of tenants have either been evicted or have left of their own accord to brave the precarious world of private rentals, where will the money for maintenance come from?

If the government had acted responsibly and put up the rents by small amounts over the last four years, tenants would have had time to adjust. To do it in one hit is to act irresponsibly. Some tenants, who are not rich, have been put in great danger of financial hardship. In effect, the government is taking from the poor to give to the poverty stricken.

Fortunately the provisions of the RTA are a protection. But is it good management to impose rent increases that are clearly excessive and then wait until the stretched and resource limited Tribunal has made rulings in these cases? Is it good management to take up the minister's invitation to go directly to ACT Housing to see what might be re-evaluated?

What will be the further cost to the government of these increases being challenged? Is this a responsible use of public money? What about the stress and anxiety caused to the tenants involved, many of whom feel very vulnerable? I believe that this Assembly must urge the minister for housing to increase rentals on public housing in an appropriate manner. Sudden and dramatic increases of the sort we are currently seeing which cause hardship should not be imposed.

**MS TUCKER (5.40):** All of us are aware of the recent increases in market rent as assessed by ACT Housing. For some ACT Housing tenants there will be a large increase—"sudden or dramatic increases", in the words of the motion—in rents. It seems likely that some of these increases will meet the criteria for excessive rent, as judged by the Residential Tenancy Tribunal. That criteria, as set out in section 68 (2) (a) of the Residential Tenancies Act, states:

unless the tenant satisfies the Tribunal otherwise, a rental rate increase is not excessive if it is less than 20 per cent greater than any increase in the index number over the period since the last rental rate increase or since the beginning of the lease (whichever is later).

This motion gives us a chance to note the problem. As Mr Moore said in answer to a question from Mr Wood on this point, section 15 of the Housing Assistance Act states that the market rent shall be charged. Market rent is defined as that which would be charged by a willing landlord to a willing tenant at arm's length from each other. Further, the amount is to be reviewed annually.

The law governing public housing rents, in this case for tenants not eligible for a rental rebate, indicates that the appropriate rent is determined by the results of an annual market review, which presumably looks at what private landlords in the area are charging for similar properties. However, the question of what is fair and just is not governed only by the Housing Assistance Act. The Residential Tenancy Act sets limits for all landlords' rent increases, which can be checked by the Residential Tenancy Tribunal. However, the RTT can only review rent increases that have been proposed—that is, they can only make a ruling once a case is brought before them.

This is not an ideal situation for public housing tenants. There is quite some stress involved in hearing that your rent will increase, even if the increase keeps your rent within 25 per cent of your income. Control over one's budget and, hence, one's ability to participate in different activities, such as eating, is a pretty fundamental thing for one's peace of mind. Private landlords do not have a legislative method of changing their rent. They have free rein within the market constraints, except for the proviso of not setting an excessive increase. Most private landlords are aware of this standard, and so tenants can be reasonably sure that they will not have to face such an increase.

Public tenants are in a more stressful situation. Some tenants have been presented with an increase which may well turn out to be unacceptable under the Residential Tenancies Act, but the tenants will have to take the case to the tribunal and go through a hearing in order to get the increase changed. As the minister states that Housing is bound by the act when setting rent increases, it is all a question of the market. This is a cumbersome process which I think would be unlikely to apply in a private rental situation, especially on such a large scale, involving one landlord and so many tenants. It seems that a private landlord would be unlikely to initiate such a steep rent increase because they know that it would be judged excessive.

Individual public housing tenants will need to take their individual cases to the tribunal for assessment. There are two barriers to this happening. The first is fear of reprisal from Housing. I am not saying there is a basis for this kind of fear. However, it may exist and so it needs to be acknowledged and addressed if there is to be any solution. The second barrier is the cost of taking a case to the tribunal, which is \$46 for all rent increase applications.

The tribunal, I understand, assesses cases on an individual basis, looking at the market rent for the area, state of the premises, maintenance, et cetera. Maintenance of housing properties is likely to be an important factor, and the minister is bound by the act to effect those increases for all tenants. So tenants, and to some extent the minister, are in a bit of a bind. We are creating unnecessary work and unnecessary stress in the lives of public housing tenants. It is obviously not an ideal situation. Perhaps the government needs to look at a legislative remedy. They could also reassure tenants that they will not be penalised for taking their rent increase to the tribunal for review.

But there is still a legal question: if the tribunal orders rent to be reduced, will the minister or ACT Housing still be bound by the Housing Assistance Act to charge the market rent as assessed? Which law has precedence? The motion expresses an important principle. I am not sure whether, according to the language of the legislation, any particular changes will be required to what has occurred. What I think we are expressing, however, is the mismatch between the two acts. Public housing tenants should not be left in this situation.

In supporting the motion, I put forward this idea for the minister to consider: what if Housing Assistance Act rent setting were made more flexible by adding to the legislation a reference to the excessive increase formula set out in the Residential Tenancies Act, so that the rents can be set in a non-excessive way to begin with?

**MR MOORE** (Minister for Health, Housing and Community Services) (5.45): I thank members for their contribution. I thank Mr Wood for his motion, which the government is quite happy to accept and to agree with. After all, it is basically a motherhood statement.

Mr Speaker, as Ms Tucker rightly identified in a broad and appropriate way, I am bound, as Housing is bound, by not just the Residential Tenancies Act, which Mr Wood likes to refer to, but by the Housing Assistance Act 1987. I think Mr Wood would do very well to look very carefully at that act. I indicated to him yesterday in question time, and I have said so publicly, that I am bound by the law. I would be horrified if Mr Wood were to urge me to break the law, which is the very thing that on many occasions he and his

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colleagues accused Mrs Carnell of doing. Mr Speaker, I will not reflect on the vote of the Assembly. However, let me say that it is not my intention to be responsible for breaching section 15 of the act.

Ms Tucker, you may be interested to know that it is appropriate for the Residential Tenancies Act to apply in a way that is consistent with the Housing Assistance Act. Somebody may consider that their market rental is excessive, and that may well be the case. This would be covered by the Residential Tenancies Act. We assess market rental in the first place by area. This assessment may not apply to their specific house for a number of reasons. The Residential Tenancy Act can apply and it could be determined, "No, this is excessive market rental." So the process is reasonable.

I think it is worth giving you some understanding of what has happened. Tenants of 113 properties who were paying full market rental received increases of over \$30. Almost all of them made requests for consideration by the department. ACT Housing has been discussing the situation with a number of them and my understanding is that probably two have indicated that they will appeal to the Residential Tenancy Tribunal to have their increase reviewed. That is their prerogative and it is entirely appropriate that that be the case. There is no perception that some punishment will follow that.

Public housing tenants quite commonly use a range of appeal mechanisms, and it is entirely appropriate that they do so. Housing tried to avoid this by reassessing if a particular property logically needed to be assessed.

**Mr Wood:** In doing that, will the department reduce any rentals?

**MR MOORE:** There is a deliberate or maybe ignorant—one of the two—blurring of what is happening here. No tenant is going to pay more than 25 per cent of their income. That is the way we deal with these issues. So it is not correct to say that the poorer people are doing this or not doing that. Certainly, there is a deliberate blurring in the public debate. Of course, that was the reason for the frustration I felt when I read the letter to the editor, written by somebody who works for the CPSU, about a question that was asked in the house yesterday.

Mr Speaker, it is disappointing when there is that blurring. It is important when dealing with public housing that we understand that people who are in public housing because they need government support are entitled to the rebate. Under the act, which I must comply with, their house is still assessed at market rental but a rebate is offered to match their salary. So, Mr Speaker, this is the appropriate system.

Section 15 of the act also requires the commissioner to take into consideration an annual review. There was certainly some confusion about the way I used the word "review" on ABC radio. It is true that there has been a review. That the rentals were not reviewed in the sense of being put up in the last four years is also true. My understanding is that there was some confusion. I sought to clarify that immediately, publicly, to make sure there was no confusion.

Mr Speaker, it seems to me that this motion is a motherhood statement—that we ensure in the most appropriate way that we protect those most in need. Since I have been minister, this government has taken significant action to make sure that we are protecting

those most in need. This includes making sure that people continue to pay full market rent so that that money can be used within housing to ensure the best possible outcome.

Ms Tucker referred to the Housing Assistance Act as well as the Residential Tenancies Act. I have to say that there is something else that governs the way we operate, and that is our agreement with the Commonwealth on housing. I must say that some of the suggestions I have heard over the last few weeks on this issue would purport to have us change that agreement—the same agreement that has been signed not just by the ACT but by a number of the Labor states. This is the agreement that they also live by.

Maybe that agreement might be able to be improved, and I would look forward to the time when it is renegotiated in order to seek some improvement. But at the moment, we do have a number of issues that guide us, and we will work to ensure that we work within those guidelines and within that legislation. We will do this in an appropriate manner in order not to impose hardship by sudden or dramatic increases. That hardship will not be imposed for the fundamental reason that we do not increase anybody's public housing payments to an amount which is more than 25 per cent of their income.

Mr Speaker, I want to say one other thing. Mr Wood also raised the issue of maintenance. We have introduced a new maintenance system that started on 1 July. I am expecting to see maintenance improving significantly. That is why a new system was introduced.

I think it is rather important that it be recognised that steps have been taken to improve. Of course, when we took those steps to improve, the Labor Party criticised that as well. No matter what you do, a negative angle can always be found, and the Labor Party is overwhelmed by negativity.

**Mr Wood:** Well that's true—no matter what you do, Mr Moore, there is always a problem attached to it.

**MR MOORE:** Come on—I had to have my little dig, Bill.

**MR WOOD** (5.53), in reply: Mr Speaker, I will close the debate. Mr Moore falls back on section 15 of the Housing Assistance Act.

**Mr Moore:** No, I just comply with it.

**MR WOOD:** I would point out to Mr Moore that when you are setting rentals it is very difficult to compare a small three-bedroom ACT government house with what you usually find in the private market. There is no comparability. The difference in the houses is remarkable and, therefore, the difference in rentals is remarkable. But that is not always acknowledged.

Let me come back to maintenance. People around this place would know that, as a general rule, many of government housing properties are not as well maintained as houses in much of the private market. Of course, there are exceptions to everything, but it is simply nonsense to say that you can charge the same rent for average three-bedroom private accommodation and average three-bedroom government housing

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accommodation. This sort of thinking does not improve an understanding of these circumstances at all.

Question resolved in the affirmative.

## **Gaming Machine Amendment Bill 2000 (No 2)**

Debate resumed from 6 December 2000, on motion by **Mr Rugendyke**:

That this bill be agreed to in principle.

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

## **Land (Planning and Environment) Amendment Bill 2001 (No 5)**

Debate resumed from 20 June 2001, on motion by **Ms Tucker**:

That this bill be agreed to in principle.

**MR SMYTH** (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (5.55): Mr Speaker, the government will be opposing this bill. Not only is it a retrograde step in development management, it seriously threatens the discretionary powers of all present and future ministers of all portfolios.

In essence, this bill makes the call in of a development application a disallowable instrument. The call in would not take effect until after six sitting days following its tabling in the Assembly. That would mean that this year a development proposal that was ready for a decision in, say, April, would not be decided upon until mid-June. Even worse, an application due for a decision in August would not be decided until the autumn 2002 sittings. Delays like that would, in many cases, take applications well beyond their prescribed period for making a decision.

This Assembly decided in 1996 to impose a discipline on PALM, in that proposals were not to linger indefinitely in the system; they were to be dealt with in a timely fashion. Accordingly, the Assembly imposed a statutory target of 30 working days for decisions with no objections, and 45 working days where there were objections. Those time frames will become almost impossible for PALM to meet if this bill succeeds, but I see no proposal to account for that in Ms Tucker's proposed changes. There is no extension of the prescribed period for a decision or even a stop clock. In some cases there is a clear danger that proposals will go beyond the maximum six-month period for making a decision, so that by the time the Assembly has dealt with a call-in instrument it will no longer be possible to make any decision at all.

Let us not pretend that this Assembly will be able to quickly consider whether a call-in decision meets the requirements of the land act and then move on. These matters will be tied up in long debates about the extent of the power, and whether each of the requirements has been fully met. There will be referrals to the urban services committee and so on.



Ms Tucker said when she presented her bill that she is aware of the delays that the amendments may cause, and that she is also aware of the uncertainty they may cause. She said:

The creation of this uncertainty is actually the intention of the bill, as it will put pressure on the government to use the call-in powers only where justification is clear and accepted by all sides of the Assembly, or at least the majority.

In other words, Mr Speaker, the power will be so difficult to exercise that only a desperate minister would resort to a call in. Unfortunately, only the most genuine call-in cases would be affected. What happened to all those previous speeches about clarity and certainty in the development system? Then again, what happened to the vote of the Assembly when it decided to pass Mr Corbell's amendments to the call-in provisions in 1999? In fact, the government supported those amendments because it was a reasonable initiative and because the change, with the government's amendment, brought the ACT provisions closer to call-in provisions in other jurisdictions.

But it is not enough that Ms Tucker is prepared to resort to destabilising the development system in order to have her way, or that she refuses to accept the vote of the Assembly, even on amendments to a bill moved by the Labor opposition. She went on in her presentation to say:

Conversely, if the government wants to push through a controversial proposal, it must be prepared to face a vote in the Assembly about the appropriateness of this action.

There seems to be some confusion about what the proper role of the Assembly is in these cases. I am quite happy to debate at any time in this Assembly the appropriateness of a decision to call in an application. That is the point of notifying the decision to the Assembly. What the government cannot accept, however, is the view that the use of the power of any minister might become the subject of a debate as to whether a decision to use that power will stand, and anything could become subject to veto by the vote of the Assembly. When this happens, ministerial discretion ceases to exist and, in fact, the minister has less power than the Commissioner for Land and Planning—or is Ms Tucker suggesting that he, too, should send his decisions to the Assembly for a vote of approval?

Mr Speaker, so far there have been 20 call-in decisions since June 1997, when the power was introduced. That is about five a year. There are about 4,500 to 5,500 development applications processed each year. That means that about 0.1 per cent of applications are called in. Yes, those are the more sensitive or often controversial ones. The whole point of having a call-in power is to recognise that there are always going to be controversial matters or matters of great public or policy interest that a minister, as the person holding the power of determination, will choose to make a personal decision on.

In 1999, the government acknowledged that Mr Corbell's amendments added certainty and clarity to the call-in process, and supported them. This bill removes all of that certainty, and the most unacceptable thing about it is that it does so quite intentionally.

Mr Speaker, if Ms Tucker is concerned about the extent of my use of the call-in power, let us talk about that. One of the roles of this Assembly is to do just that. The proper role of the Assembly is to debate and determine issues of policy and to pass laws to give

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effect to policy. That is what this Assembly did when the call-in power was reviewed in 1999. Every call-in must now be notified in the *Gazette* and notified to the Assembly. The matter is then open to debate as a matter of policy.

This bill is not just a case of overkill. It is not just a case of using a sledgehammer to crack a peanut. It is inappropriate, it is excessive and it is misguided. It is the wrong peanut, it is the wrong hammer, for very wrong reasons. Mr Speaker this bill should not under any circumstances be supported.

**MR CORBELL** (6.02): Mr Speaker, the Labor Party has been very clear and forthright in its criticism of the use by the minister for planning of the call-in power. Indeed, the Labor Party and the Liberal Party are at distinct odds when it comes to how we believe this power should be exercised, and I want to elaborate on that this evening.

The minister has made clear that he believes the use of the call-in power is a normal part of the development approval process. In fact, he used those words recently at an industry forum. He believes it is a standard part of the package of tools available to the government in assessing development applications. Mr Speaker, the Labor Party disagrees. The Labor Party does not believe that the call-in power is a normal part of the development approval process. Indeed, it is our view that it is a power to be used only in exceptional circumstances.

The minister has quoted a range of figures, including one that indicates that there have been a total of around 20 uses of this power. It is interesting to note, of course, that over a quarter to close to a half of the exercise of the power has occurred in the past 12 to 18 months. It has been this minister who has abused the use of the power and has taken it from a power to be used in extraordinary circumstances to a power that is used almost as an every day part of getting a development approval achieved.

Mr Speaker, the Labor Party does not accept that there is a need to make the call-in power disallowable. Indeed, the Labor Party's view is that the problem with the call-in power is not the power itself—it is the abuse of the power by this minister. Our response is not to rectify any problem with the power, as we do not believe there is one, but instead to say Brendan Smyth should no longer be the minister for land and planning. That is where the problem lies, Mr Speaker.

Ms Tucker's proposal makes the call-in power disallowable. In doing so, of course, it defeats the very purpose of the power and the reason why it was placed in the land act in the first place. Originally the call-in power was introduced to short-circuit the development approval process and immediately determine an application, either approving it or rejecting it. If this power were made disallowable, the whole purpose of the power would be removed. A minister could exercise the power but effectively, because of it being placed on the table, it could be up to three months before a decision was ratified by the Assembly.

There is another problem with Ms Tucker's approach, which she perhaps has not thought about. What if the minister exercises the power to reject an application and the applicant who has had their application rejected came to a member of the Assembly to get the minister's decision overturned? Has Ms Tucker contemplated the prospect of an unhappy development proponent getting a member of the Assembly to move a motion to have the

decision overturned? That is just as likely a scenario in the proposal that Ms Tucker has put forward.

The use of the call-in power should be made in exceptional circumstances. The Labor Party believes that it needs to be used for projects of significance, and it needs to be used in circumstances outside of the ordinary. This minister cannot claim to have exercised the power in that way. Can the minister seriously justify the call-in of the redevelopment of the Latham shops to be in the same category as the call-in of a project worth hundreds of millions of dollars?

The minister's application and use of the power has been inconsistent and inappropriate. Labor would retain the call-in power. We have made that clear already in our policy announcements. But what we have also made clear is that we would use it only in exceptional circumstances. The Labor Party introduced amendments to the land act which meant that, for the first time, the minister exercising the call-in power had to table in the Assembly an explanation of the use of that power. It was the Labor Party that introduced provisions under which a call in could be exercised. We believe that is an appropriate level of accountability on the use of the power. We believe the current minister's abuse of the power has been made clear through the requirement for him to continually table the justification for his use of that power.

Mr Speaker, the problem with the call-in power is not the power itself—it is the abuse of that power, and the Labor Party will be holding the minister accountable for that abuse. But we will not be supporting moves to make this power disallowable and, therefore, effectively redundant.

**MS TUCKER** (6.07), in reply: I hear what Mr Corbell says—that Mr Smyth has done such an appalling job as planning minister; that he has over-used call-in powers; and that Labor would not abuse the use of call-in powers in that way. In a nutshell, that seems to be Labor's argument. It may well be the case that Mr Corbell would make very careful use of such powers. But this is not about Simon Corbell—this is about planning.

The Labor Party does not have a fantastic record in planning. I think it would be very sensible to put in a level of accountability which at this point does not exist. I think it would be very useful to involve the Assembly if the minister of the day decides to use his or her power in this way. Mr Smyth is always keen to talk about certainty for developers. The problem is that there should be certainty for the community, who have to live with these developments for a long time.

Mr Corbell said that it could take up to three months for a decision by the minister to be ratified by the Assembly. We are stuck with developments for possibly more than 50 years. It is worth waiting three months if a development is controversial. As I said, it is the community who will be living with it, not the developer.

Mr Smyth also said call ins happen only in controversial development proposal applications. Yes, exactly, Mr Speaker. That is the point—they are controversial. There is concern in the community about the proposal. Mr Smyth used his call-in powers for a particular proposal in respect of which there were over 100 objections in train. That was a significant reaction by the community. But Mr Smyth took the decision to override the normal processes and appeal rights of the citizens of Canberra because he knew best.

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We do not have confidence that he knows best. At the very least, we would like to see this Assembly given the opportunity to scrutinise decisions taken by the minister.

If the minister is going to use power in this way, it is quite appropriate that the whole parliament has a chance to have a say. Mr Smyth said it is okay if we have a debate but we cannot have the right of veto. In other words, we are allowed to talk about it and the majority of members of this parliament can be absolutely appalled. But whether it is a call-in power to reject a development or approve it, the point is the same: there is no real difference between rejecting or calling in to approve an application. So if the minister chooses to call in a development in order to reject or approve it, it is perfectly reasonable that the Assembly be given the opportunity to not just debate that decision but, if it is the will of the Assembly, veto it.

Members of this place supposedly are here to represent the community of the ACT. Members should be given the opportunity to decide whether there are legitimate concerns or problems with the decision taken by the minister of the day. My experience in this place has been that members of the community do not go to the trouble of objecting to applications unless there is a good reason for doing so. I respect the fact that most people who object to developments have good reason for doing so and have thought it out. It is not an easy path to take anyway. I think most people in this place know how much work it takes to successfully lodge appeals and follow the process through. So I think it is the role of the Assembly to represent the community in this instance. For that reason, it is quite appropriate that we should be able to make such decisions of the minister of the day disallowable.

If Mr Corbell as planning minister uses his powers in an appropriate way, it will not be a problem. You will not have objections. You will have people looking at it and agreeing. What is the problem with that? I think it is pretty sad that this Assembly is not going to support my legislation. I will wait till the next Assembly to raise the matter again, particularly if this process is being continually abused, as it has been by Brendan Smyth.

Question put:

That **Ms Tucker's** motion be agreed to.

The Assembly voted—

Ayes, 3

Mr Kaine  
Mr Rugendyke  
Ms Tucker

Noes, 13

Mr Berry	Mr Moore
Mrs Burke	Mr Quinlan
Mr Corbell	Mr Smyth
Mr Cornwell	Mr Stanhope
Mr Hargreaves	Mr Stefaniak
Mr Hird	Mr Wood
Mr Humphries	

Question so resolved in the negative.

## **Adjournment**

### **Development applications**

**MR SMYTH** (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (6.17): Mr Speaker, I move:

That the Assembly do now adjourn.

Mr Speaker, in the previous debate Ms Tucker made a comment that she recollected there were something like hundreds of objections against one of the call-ins I had put in train. I would like to run through the call-ins: a call-in of the Hyperdome, four objections; Manuka cinemas, three objections; Woden Plaza, one objection; PJ O'Reilly's, four objections; BRL Hardy, five objections; Hyperdome, three objections; PJ O'Reilly's, one objection; Torrens Street, Akuna Street, two objections; Canberra Centre, two objections; Turner, 14 objections; SouthCare hangar, five objections; Latham 31, 61 objections; Stirling, four objections; Lyneham, 14; and Amaroo, five. So, clearly, the word 'hundreds' was used very loosely, Mr Speaker.

**Ms Tucker:** I stand corrected, Mr Smyth.

**MR SMYTH:** Thank you, Ms Tucker.

### **Organ Awareness Foundation of the ACT**

**MR HIRD** (6.18): Mr Speaker, as chairman of the Organ Awareness Foundation of the ACT, I would like to inform the house that at 11 am last Monday the Minister for Health, Housing and Community Services opened the foundation's offices in Dickson. On behalf of the board, I congratulate the minister for his efforts in this very vital life saving area. I also congratulate the hospital staff, and in particular Dr Michael Faulk from the renal unit, who received a modest cheque of \$2,000 from the foundation. The foundation, in effect, has been operating for only the last eight weeks. Minister, please accept our appreciation, not only for your support but for the support of your staff.

### **Lyneham tennis centre**

**MR CORBELL** (6.19): In question time today and also in the media today we saw the rather unedifying spectacle of a desperate Minister for Urban Services attempting to blame the Australian Labor Party for the failure of a developer to secure finance for a project. Mr Speaker, I have never seen in all of my time in this place a more extraordinary attempt to shift responsibility to one's political opponents. I know that this is a skill which members in this place like to try to enhance, but to seriously suggest that the development proponent of the Lyneham tennis centre is having difficulty securing finance as a result of comments from members of the Australian Labor Party is desperate in the extreme.

Mr Speaker, perhaps it has more to do with the minister's sensitivity about the difficulties which the proponent has had to date in securing finance for this project, and particularly his attempt to align the government with it through the exercise of the call-in power, than any comments from the Australian Labor Party.

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For the record, so that the minister can no longer continue to perhaps inadvertently mislead this place, the Australian Labor Party has placed on record its support for the development of that project but, as it has done on a number of other occasions, it has criticised the manner in which the approval has been granted. The exercise of the call-in power in relation to the Lyneham tennis centre was, in the Labor Party's view, inappropriate, and we will not in any way shy away from that.

Perhaps the minister's rather simplistic attempt to blacken the Australian Labor Party has more to do with his failure to be able to cope with notions of clear, if complex, planning issues than the Australian Labor Party's approach to this development proposal.

For the record, if the minister is able to produce anything from the development proponent that indicates that Australian Labor Party comments have led to his capacity, so far, to not secure finance for the project, then I would welcome such signed comments from the development proponent. But, Mr Speaker, I am not going to hold my breath.

### **World War 1—Australian Army Corps**

**MR STEFANIAK** (Minister for Education and Attorney-General) (6.21): Today is the 100th anniversary of the Australian Army. It is also the 83rd anniversary of the start of the end of that dreadful war, World War 1, on 8 August 1918—a day that, according to Ludendorff, was the blackest day in the history of the German Army. On that day, five divisions of the Australian Army Corps led by General Monash and supported by, I think, some New Zealand, Canadian and British divisions, made the most significant advances up until that time, capturing some 30 per cent of all prisoners, guns and tanks taken by allied forces.

This was probably the most significant feat of arms ever by the Australian Army, an achievement which led directly to the defeat of imperial Germany in World War I and ended that dreadful catastrophe. It also effectively ended the stalemate which had taken millions of lives on the western front. I think it is worthy of note that today is the anniversary of the finest feat of Australian arms that helped draw to an end that dreadful war.

Question resolved in the affirmative.

**Assembly adjourned at 6.22 pm**