DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 March 2002

Wednesday, 6 March 2002

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MR SPEAKER (Mr Berry) 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.

Petition

*The following petition was lodged for presentation, by **Mr Stefaniak**, from 191 residents.*

Toilet facility at Cook shops

> To the Speaker and members of the Legislative Assembly for the Australian Capital Territory
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> The petition of certain residents of the ACT draw to the attention of the Assembly: that the owners/lessees of the Cook shops request the urgent construction of a public toilet facility in the Cook shops' garden/parking area as there is currently no public toilet facility within several kilometers, except at Jamison Centre which is approximately 2 kms distance from Cook shops.
>
> Your petitioners thereofre request the Assembly to support the urgent construction of a toilet facility at the Cook shops, Cook.

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

Police investigation

MR SPEAKER: I wish to inform members concerning the letter that I wrote to all members this morning.

As indicated in the letter, certain actions have been taken following the receipt of information by the Clerk on Wednesday, 27 February. Arising out of a complaint, subsequent investigations and consultation with me, a matter was referred to the Australian Federal Police by the Clerk.

A police investigation was commenced and is still in progress. Two search warrants were executed this morning within the Assembly building. The matters relate to computer security.

As stated in my letter, I can assure members that the Australian Federal Police are aware of the situation in regard to the privileges and immunities that this Assembly and its members enjoy. Suitable arrangements have been put in place in relation to police access to this building.

I may be making a further statement on this issue at a later stage.

Fair Trading Amendment Bill 2002

Mr 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, this amending bill would compel credit providers to conduct an adequate assessment, prior to approving credit contracts and credit limit increases, to determine whether a debtor has the capacity to repay additional amounts of credit, without serious hardship.

The bill would do this by creating a new section 28A in the Fair Trading Act 1992. These provisions are based, in part, on the uniform national consumer credit code—the code. Specifically, the intent of this amendment is drawn from section 70, which provides that credit contracts may be reopened by a court if the credit provider failed to take a number of steps before activating a contract.

These steps include undertaking reasonable inquiries as to the debtor's capacity to repay, on the terms provided, without incurring substantial hardship. A prudent and diligent credit provider would therefore ensure that any credit contract they are a party to is made on the basis of due assessment of the debtor's capacity to repay, without substantial hardship.

Some credit providers, in competition for credit contracts, presently mail out to their customers pre-approved offers to extend credit card limits. These are sometimes in the vicinity of three times the existing limit. In many cases, for the new credit limit to apply, the debtor only has to sign the form and return it. No additional creditworthiness assessment is carried out.

These mail-outs are generated on the basis of marketing susceptibility, rather than capacity to pay. As a result, some people have signed up for debts that they are unlikely to be able to pay.

It is true that, in these cases, the people signing up for extra credit have agreed to something they cannot meet. However, we have, in our legislation, already agreed that it is unjust and unfair for a bank or creditor to be party to an agreement when they have not adequately assessed it. This places the duty of care on the lender in any credit contract—let alone the unsolicited nature of these offers and the marketing pressure to induce people to take up more credit.

Moreover, there is general agreement that this is a problem requiring some solution. I am aware of one case where a couple, already experiencing problems paying their mortgage, requested a hardship variation to their loan repayments for several months. The bank rejected their request. The couple subsequently received an unsolicited offer to increase the limit of the credit card they had with the bank from $1,000 to $7,000. Believing it to

be the only way to keep payments up to date, the couple accepted the credit increase. However, this deepened their financial difficulties.

This is only one example, but it illustrates some key points of the situation. Firstly, the bank is applying one set of standards to an application to vary credit, and another to promoting increased credit. Secondly, it illustrates that the bank is not looking at the current financial situation of their marketing targets before sending out the offer.

This has been a problem for some time, and it is an increasing problem. When the former version of this bill was introduced into the Assembly last year, we learned that the Australian Bureau of Statistics had tracked new and increased credit limits in the ACT. Credit limits increased from $359 million in 1997-98 to $554 million in 1998-99—an increase of $194 million.

Nationally, personal debt has increased between 10 per cent and 15 per cent every year since 1995. The Reserve Bank's figures at the end of last year show that, for the first time, total personal debt was approaching $19 billion. This is not something to be proud of.

The provision of consumer credit is regulated by a uniform consumer credit code—a national agreement run on a cooperative basis between the states and territories. The UCCC operates via the Ministerial Council on Consumer Affairs. Its primary instrument is the Australian Uniform Credit Laws Agreement 1993. That is administered by the uniform consumer credit code management committee, made up of state and territory officials.

Any amendments to the legislation derived from the agreement, which would change or add to its provisions, are supposed to be, firstly, agreed to by the other members of the group. Like all such national agreements, it took a lot of work to get the system up and running. Hence there is some caution about rocking the boat.

Each state or territory has enforced legislation that gives effect to the original model. Banks are additionally self-regulated by the voluntary banking code of practice, but not all credit card providers are banks. So how could this practice be allowed? Strictly, as I have said, it is not. It is open to someone, in this type of situation, who has got into debt they cannot afford, to challenge the contract in court.

You would think credit providers would be worried about this threat, and hence take care to ensure they are diligent and prudent in making loans and extending credit card limits. However, taking a case to court is not easy. To do so, a person needs a legal expert, and they need the will to fight someone with many more resources.

The ACT has no specialist consumer legal service. That is something that I hope will be addressed during this Assembly.

The initial challenge does not need to be made through a lawyer. However, it does require a person to be empowered and well enough informed to realise that they can challenge the situation. There are not many cases that reach court. Certainly there have been none in recent years in the ACT. Any challenges tend to be settled out of court, which keeps the banks or other lenders' names out of the papers.

The UCCC is ultimately the appropriate vehicle for such a change. It would keep the equivalents of the Fair Trading Acts of all states and territories in accordance. For some time, there has been a proposal on the table of the UCCC MC to address this issue, and the broad problem of credit card overcommitment.

Members who were part of the fourth Assembly will recognise this bill. Last May Mr Rugendyke put forward a similar bill. That bill was referred to the uniform credit management committee. For reasons I will come back to, they did not agree to its implementation..

Following this advice, the Assembly agreed to the bill, in principle, in the final sitting week. However, most members had decided to adjourn debate, which meant that the bill lapsed. The argument, in short, was that we should wait for the national process. There was a similar, but more extensive, amendment in the works and a draft bill was expected by November last year.

Mr Speaker, you may wonder why the Greens are reviving this bill. Well, the issue has not gone away. As in previous years, in the lead-up to Christmas, the CARE consumer advice line took note of callers with this type of problem. They have case studies of people who were willing to have their experiences recorded.

As I have said, consumer debt is still rising. Meanwhile, we are still waiting for something to come out of the national process. I have asked the Chief Minister for a status update. My office has contacted the New South Wales department responsible for development of the bill. From these inquiries, I understand we are still some way off.

The decision of members to put off the bill last year was based on two things. Firstly, there was fear that passing the bill would breach the code, possibly resulting in the ACT being removed from the committee. Secondly, they felt there was really no need because, in all likelihood, an agreed-to amendment would be ready by November 2001.

At that time, I argued that even if a national scheme were to be prepared by November, we should implement the change in time for Christmas 2001. This was because, sadly, Christmas is a time of debt for many. Therefore, it is a time when credit institutions push extended credit limits to their stressed customers.

We did not have that law in place, and now we do not have a national scheme ready to go. Isn’t this too much of a delay? The Greens respect the workings of the UCCC MC and respect the usefulness of uniform codes for what is a national industry. However, this is dragging on for a very long time.

Would this bill breach the UCCC? The then chair of the UCCC MC said that, in his view, the proposed ACT bill is adding to the obligations already imposed, by the code, on credit providers. However, there is a different interpretation of the code which says that it is not adding to the obligations, that it is just ensuring that practices meet existing obligations.

I contend that, although the bill does change the legislation, it does so in a way that clearly maintains the effect at law of section 70 of the consumer credit code. This argument is backed up by Mr Richard Viney, in his final report on the review of the Banking Industry Code of Practice for the Australian Bankers Association. I quote:

> In my view UCCC section 70 (2) (l) already enables a debtor to apply for the re-opening of a contract on the ground that if proper enquiries had been made by the bank at the time the credit increase was made, those enquiries would have revealed likely future hardship.

That quote was from the review of the Code of Banking Practice final report, October 2001, page 50.

In fact, although this bill mentions credit contracts generally, the only type of credit that would be affected is unsolicited extensions to credit card limits. Before providing other forms of consumer credit—house mortgages, et cetera—a thorough assessment is carried out. It is this insidious area which has caused significant hardship for some members of our community.

Requiring an adequate assessment to be carried out is hardly a new practice. We are not asking the industry to learn a new trick. The chair of the management committee was also concerned that the bill, as then drafted, would have caught business or investment lending in its provisions. This would be problematic, because the existing system of credit and banking laws distinguish clearly between consumer credit and business credit. By defining credit contracts as those to which the consumer credit code applies, my bill removes this problem.

The final objection was around uniformity for its own sake. Mr Stefaniak said on this point:

> I would like to emphasise my concern that credit providers, particularly the big banks, who are bound by the credit code, may not think it worth while to extend credit in the ACT if they have to substantially amend their national lending procedures to accommodate the ACT region. We are, after all, only 1.7 per cent of the Australian population. Moreover, this has great potential to increase compliance costs for credit providers, which would almost invariably be passed on to consumers. That would result in additional costs and delays—an additional imposition on ACT consumers—and I do not think that is something any of us want.

The point is, Mr Speaker, that the analysis used by the banks to generate the mass mail-outs is not an adequate assessment of capacity to pay. These financial institutions are therefore regularly choosing to enter into challengeable contracts. Whilst it is not much trouble for the bank or credit card company to rectify whatever proportion of the contracts are challenged, it is a serious problem for the people who rightly—legally, if we look at the effect of this section—should not have been offered the credit extension in the first place.

It is much harder for the distressed, ashamed, indebted person to correct an erroneous contract than it is for the bank. The indebted person may choose other, even more destructive, options to deal with this debt, not realising they can get out of it. This creates

a lot of unnecessary distress. This distress would be prevented if the credit providers were not so relaxed about signing up more and more credit customers in the first place.

If, as everyone argues, in the near future we will have a uniform national requirement for a satisfactory assessment process, the banks and other credit agencies will have to change their procedures pretty soon anyway. It will not be a surprise. It may be very lucrative for them to push credit on people, but it seems that will not last for much longer. We have a chance to ensure protection for vulnerable people in the ACT. By doing so, we may well push the agenda along nationally. That is surely a good thing.

Will the sky fall in? Will we be kicked off the committee if we go ahead and enact this change ahead of the national bill? I think that is unlikely, and it is certainly not a foregone conclusion.

In the debate last year, Mr Stefaniak said:

> The consequence of a breach is that the ACT would automatically cease to be a party to the Agreement as clause 10 (2) provides that a State or Territory must not introduce amending legislation without obtaining 2/3 majority approval of the States and Territories. As you can see, support for Mr Rugendyke's Bill will place the ACT in a very difficult position.

However, it is not that clear at all. Last year, New South Wales enacted a change that affected pay-day lenders before such changes had been developed at the national level. They were not kicked off the board.

As Mr Stanhope put it last year:

> However—and this needs to be noted; it is a chink in the armour of the case put very persuasively by the Attorney—New South Wales has already unilaterally amended the uniform scheme, in relation to payday lending, without any adverse repercussions on the scheme for the New South Wales government.

That is from week 10 *Hansard*, 29 August 2001. This is a small change. It does not ban unsolicited offers. All it does is say that before you sign someone up, you must conduct a proper assessment. That should not be too much to ask. I hope members will agree to pass this bill into law, or that the national process will develop a solution so quickly that we will not need to progress this bill any further.

The Attorney-General could raise the issue at the meeting of attorneys-general tomorrow. I hope this Attorney-General will be an advocate either for agreeing to this bill or for a speedy national resolution.

I urge members to consider supporting this change and to understand that the longer we leave it, the more people will be getting into debt.

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

Electoral Amendment Bill 2002

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

Title read by Clerk.

MS TUCKER (10.49): I move:

> That this bill be agreed to in principle.

This bill imposes greater disclosure requirements on parties and MLAs regarding their electoral funding and expenditure. The bill's key amendment is to expand the range of donations that have to be counted for determining whether the details of the donor and amount donated must be disclosed to the Electoral Commissioner in the annual return of a party or MLA.

At present, the Electoral Act requires that details of donations, to a party or MLA, from a particular individual or organisation, which total more than $1,500 in a financial year, must be disclosed in their annual return. These returns are subsequently made available for public inspection so we can see who has made big donations to the parties. However, for some years, there was a major loophole in this requirement. Individual donations from a person or organisation of less than $500 did not have to be taken into account in determining whether the $1,500 threshold for disclosure had been reached.

Therefore, a person who gave, say, four donations of $400 over a year would not have their identity disclosed, even though they had donated a total of $1,600. As an extreme example, a person could make a donation to a party of just under the threshold—say $499—each day for a whole year. The total amount, of some $182,000, would never have to be identified in the party's return.

We can see the effect of this loophole in the actual party returns. For example, the Liberal Party's 2000-01 return shows receipts of $283,000, although only $171,000 was rent from their building. Presumably, the other $112,000 is donations, but only one specific donation over $2,000 is identified. Who knows where the rest of the money came from?

The associated entity of the Liberal Party, the 250 Club, received $31,000 in 2000-01, but there were no donations over $1,500 identified. Who knows where this money came from.

The ALP is a little more open in its return. It received some $534,000 in 2000-01, but nearly half of this—some $234,000—was from the Canberra Labor Club. Of the remaining $300,000, only half was from 34 identified individuals and organisations—mainly branches, unions and elected members. Who knows where the other $150,000 came from.

The inspiration for this bill came from the efforts of former member Michael Moore to bring more public accountability and transparency to the donations received by political parties. Mr Moore put up a private members bill in the last Assembly to reduce the $500 exclusion level to $100. There was an extra condition that the $100 had to be received at

a fund-raising event. It is accepted that, at such events, it is often hard to keep track of small donations.

The end result of Mr Moore's bill was that it would be very difficult for persons who donated a total of more than $1,500 in a year to avoid having themselves identified in the party's annual return.

Last year, the former Liberal government put up a bill which made a range of amendments to the Electoral Act. This included the reduction, from $500 to $100, of the threshold at which donations had to be counted. Presumably, this was at the instigation of Mr Moore in his role as minister in the Liberal government.

However, after the bill was tabled, the Liberals appeared to negotiate—or they did a deal—with the ALP. Jointly, they supported various amendments that protected their mutual interests against small parties and Independents. As part of this deal, the Liberals did a monumental backflip and put up an amendment to their own bill. This bill increased the threshold at which donations had to be counted from $500 to $1,500. This opened up an even bigger loophole. If a person gives a series of donations, each under $1,500, to a party, then the donor does not have to be identified—even though the total amount may be over $1,500.

Mr Moore and other members of the former crossbench, like myself, were very upset about the major parties doing this. Mr Moore attempted to reinsert his amendments into the bill. However, the ALP and the Liberals, in a rare show of solidarity, had the numbers to defeat the crossbench.

My bill today basically attempts to do what Mr Moore tried to do in that debate on the Electoral Act. My amendments are virtually the same as his. Mr Moore may be gone, but I want to let the major parties know that, as a representative of the Greens, I intend to take up what Mr Moore started, as a voice in the public interest, in wanting fairness in our electoral system. I want openness about where parties get their money from. I want to stop the rich and powerful from influencing political decisions through party donations.

Importantly, there is a perception in the community that this particular democratic issue is being properly handled by the elected representatives. The credibility of parliament generally is at stake in this particular debate. This is especially important now that the major parties have increased their numbers in the Assembly at the expense of the crossbench. I certainly do not want this Assembly to end up with the Tweedledum and Tweedledee politics that we find in other parliaments dominated by only two parties, where it is extremely difficult for smaller parties and Independents to break into their cosy club.

In assessing my bill, I hope the major parties put the public interest ahead of their party interests and support the fullest practical disclosure of large political donations.

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

Broadcasting guidelines

MS DUNDAS (10.56): I move the motion standing in my name on the notice paper related to broadcasting guidelines for the Legislative Assembly:

That

(A) pursuant to section 5 of the *Legislative Assembly (Broadcasting) Act 2001*, the following guidelines apply to the broadcast, or record for broadcast of public proceedings of the Legislative Assembly or a committee of the Assembly:

Guidelines for the Broadcasting of Public Proceedings of the Legislative Assembly and its Committees

The broadcasting, or recording for broadcasting, of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast or record for broadcast proceedings shall be on the basis of an undertaking to observe these conditions.

(1) A person who has been granted electronic access to proceedings shall observe the following conditions:

(a) as a general principle, cameras should focus on the Member or witness with the call;

(b) reaction shots of a Member are only permitted if:

(i) the Member is referred to in debate;

(ii) the Member has sought information which is being supplied by a Member having the call;

(c) coverage of the Galleries is not permitted;

(d) panning along the Benches is not permitted;

(e) close-up shots of Members' papers are not permitted;

(f) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly;

(g) any instruction from the Speaker or the Speaker's delegate is to be observed.

(2) Broadcast of proceedings shall be from the signal transmitted by landline or from the Assembly's narrowcast to building occupants.

(3) Broadcasts of public proceedings should contain a fair and accurate reporting of events and must not be used for:

(a) the purpose of satire or ridicule;

(b) advertising for or by political parties or electioneering; nor

(c) commercial advertising or sponsorship.

(4) Points of order and remarks that are withdrawn may not be rebroadcast.

(5) A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded and broadcast. A witness shall be given reasonable opportunity to object to the recording and/or broadcast of their evidence and state the ground of the objection.

(6) Persons/organisations wishing to broadcast or record for broadcast the public proceedings of the Legislative Assembly and its committees must complete the relevant form.

(7)Persons/organisations intending to record visual images in the Chamber and/or Committee Rooms must seek the approval of the Speaker (in the case of the Assembly) or the Committee Chair (in the case of a Committee) in writing giving reasonable notice; and

(B) That, pursuant to Section 6 of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly:

(1) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly; and
(2) delegate to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee.
(C) That the Clerk is authorised to approve the transmission of public proceedings of the Assembly or a committee via landlines to public service agencies, subject to the agency agreeing to the following conditions:
(1) they agree to provide, or arrange for the provision of, the telecommunication lines and other equipment necessary for the access (the access equipment)
(2) pay the costs and expenses of connecting the access equipment to the recording and transmission facilities of the Legislative Assembly; and
(3) pay the costs and expenses of maintaining the access equipment; and
(4) pay the costs and expenses of the Legislative Assembly secretariat in giving access to the proceedings by the access equipment
(5) no broadcast of proceedings may be made for
(i) the purpose of satire or ridicule;
(ii) advertising for or by political parties or electioneering; nor
(iii) commercial advertising or sponsorship.
(6) The relevant agency seek the approval of the Clerk to gain access to the recording and transmission facilities, stating the number of employees that require access to the broadcast.

Mr Speaker, Assembly members should be familiar with these guidelines. They were indicated in the report of the Standing Committee on Administration and Procedure.

There are three main areas covered by these guidelines: the conditions under which recordings can be taken, delegation of power to withdraw the right to broadcast to the Speaker or individual committees, and the conditions governing the broadcast of proceedings to public service agencies.

These guidelines are in accordance with the broadcasting act passed through this chamber by the Fourth Assembly. I commend them to the house.

Debate (on motion by **Mr Hargreaves**) adjourned.

MR SPEAKER: The question now is:

That the adjourned debate be made an order of the day for the next sitting.

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

That all words after "that" be omitted and the following be substituted:

notwithstanding the provisions of standing orders 16 and 77, resumption of debate on this matter be made an order of the day following the order for the resumption of debate on the motion to take note of Report No 1 of the Standing Committee on Administration and Procedure relating to Conditions of Broadcasting proceedings and delegation of power to withdraw right to broadcast.

Sentencing guidelines

MR STEFANIAK (10.58): I move the motion standing in my name on the notice paper, which reads:

> That this Assembly notes:
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> (1) the falling crime rates in the ACT attributed by the Police in part to reforms made to the Bail Act in 2001;
> (2) the stated intention of the Government to wind back the reforms made in 2001 to the Crimes Act to empower the Police to deal effectively with crime;
> (3) the Chief Minister's statement over the weekend on sentencing review; and
> (4) calls on the Government to introduce Sentencing Guidelines and maintain an uncompromising stance for the protection of ACT citizens.

I speak seriatim to the four points there. Crime is something that concerns everyone in the territory: it is something that concerns everyone in Australia. As someone who has practised in criminal jurisdictions for many years, I have found that one of the most worrying aspects of crime is the effect it has on ordinary citizens and victims. I think it is terribly important that the legislature gets it right in terms of ensuring that the rights of society, the rights of victims and the legitimate rights of criminals are in balance, and work to the betterment of society.

I come to the falling crime rates in the ACT, attributed by the police in part to reforms of the Bail Act in 2001. Back in about October of 2000, I became responsible for police, and I recall asking some senior officers whether they had any concerns about legislative requirements that might cause problems. They indicated problems with our Bail Act of 1992—the presumption in favour of bail, and the fact that repeat offenders, especially, could go back to court, use it like a revolving door and, because of that act, obtain bail no matter how many times they fronted up before their matters were finally dealt with.

Becoming Attorney-General in December, I initiated a process that saw some legislation put to the Assembly, and passed, I might say. Everyone in the Assembly agreed to it except, I think, Ms Tucker, who opposed it. What that did was amend the Bail Act to put in a new section, 9A, to ensure that, with regard to people who were back before the court, having breached their bail by committing further offences, and then having been charged with those further offences, there was a presumption that bail should be refused unless they could show that their circumstances were exceptional.

That was subsequently further refined in August of last year, as a result of a couple of loopholes highlighted by both the Chief Magistrate and the Chief Justice. The second Bail Act, concerning voluntary agreements to attend court, and summonses, was introduced because not every one would necessarily be charged and bailed first time around.

I am delighted with the success of this particular piece of legislation. I think it is worth noting. I quote from an article by Peter Clack in the *Canberra Times* of 14 October 2001:

> Total offences reported by the Australian Federal Police have fallen sharply since the introduction of amendments to the Bail Act on May 30. Total offences fell to 3,303 in August.

Mr Clack goes on to say:

> This compares with 4,178 in June, 2000, and 4,980 in September, 1999. Under new provisions in the Act, the presumption of bail was removed for repeat offenders of serious offences.

He went on to say:

> Burglaries across the ACT dropped to 361 in August compared with a high of 856 in November, 1999. Burglary rates averaged 500 to 600 a month last year.

He went on to say that the rates for some other crimes had also dropped.

Of course, burglary is a crime that concerns everyone in the community. Most people have probably either been burgled or know someone who has. This particular piece of legislation has been singled out by the police, and they continue do so. No doubt they have told the new police minister and, I would hope, the Attorney, how successful it has been.

On 13 January this year, there was another article in the *Canberra Times* by Mr Clack which said that burglary rates in Canberra have dropped 23 per cent, armed robberies are down 27 per cent, property damage is down 17 per cent, and motor vehicle theft is down 16 per cent. He said:

> ACT Chief Police Officer John Murray and Commander Ben McDevitt credited the sustained fall in crime rates—which fell 12 per cent overall—to new policing strategies and to greatly strengthened ACT bail laws, which removed a presumption of bail for repeat offenders in May. Earlier bail laws left police powerless to control individual high offenders—"one-man crime waves"—who continued to reoffend despite being arrested on numerous occasions.

Operation Anchorage was itself highly successful and, combined with improvements to the Bail Act, that type of operation has helped to reduce crime in our community. What that highlighted was the importance of this particular piece of legislation. There was one individual, out of the 232 people who police know as recidivists, who appeared four times in court and was granted bail each time, then committed more offences, and was bailed again. The fact that it would be very difficult for that to happen under the Bail Act speaks volumes, and those figures are important.

The Attorney recently tabled the September 2001 quarter crime stats. Some examples include: burglary and breaking and entering: September 1999, 2,444; September 2000, down a bit to 1,552; and September last year, 1,230. There are some other figures there, but I know the time, Mr Speaker. I think these show enough. These figures supplied by the government and the police and quoted in the paper quite clearly show how successful that legislation has been. I do note, and graciously acknowledge the fact, that the present government actually supported the substantial May amendments, although they did not support those back in August of last year.

My next point concerns the intention of this government, stated in its autumn legislation program, to wind back reforms made last year to the Crimes Act, reforms to empower the police to deal effectively with crime. Those reforms brought our police into line with New South Wales, especially in terms of the standards required to arrest someone without warrant: the reasonable suspicion test as opposed to the very difficult reasonable belief test.

That brought us into line with the state across the border, and meant that the same test was applied to police apprehending criminals in Queanbeyan, as to those in the ACT. I have not seen what the government is doing in that regard—none of us have yet—and I do not think I should comment much further on that. However, I am very concerned that, in his autumn legislation preview, the Attorney appears to indicate that those very important reforms, which are so important to properly policing our territory, properly apprehending criminals and properly protecting the citizens of this territory, are going to be wound back.

I look forward with interest, maybe some trepidation too, to seeing what is actually dropped on the table. However, I will leave further comment until then. I just hope that, if the government is thinking of winding back those sensible measures that give police the power to go about their jobs without one hand tied behind their backs, they will think again and not go off half-cocked.

Having been involved in several criminal law jurisdictions, I suppose I know a fair bit about sentencing, and I can certainly comment on it in terms of our jurisdictions in the ACT. For many years, in fact since stats have been kept—probably over 20 years or more—the ACT has had the lowest incarceration rate per 100,000 people of any state or territory. I think the next lowest now is Victoria, but we are very much lower—often two or three times lower than other states. That is just a historical fact.

That is fine if we do not have the same crime rates. However, there is a real problem in our community: many ordinary citizens in our community have the view that sentences are often not as tough as they should be. I do not know if that is exactly what the Chief Minister is looking at. He seems to be looking at making it even more difficult for people who should go to jail to actually go to jail. I hope not.

I think it was ACTCOSS who put out a press release saying that they hope that a lot of people will be able to comment on the review, a lot of ordinary citizens. I certainly hope that is the case, because I am regularly accosted by ordinary citizens who have some real concern and who think our courts are far too lenient. I hope those people can add their views here too, which might actually assist the government.

It is interesting just to put some figures on the table here, Mr Speaker, which I will do. I am quoting from an article I actually wrote for the *Canberra Times*, and it is reasonably well set out, so I will actually just read the relevant parts onto the record.

I asked the Department of Justice and Community Safety, as it then was, for stats about crime sentencing patterns, stats about what our District Court did, and about what the New South Wales criminal courts did for equivalent offences, that being their Supreme Court and, in some instances, their District Court.

For murder offences, we have the same imprisonment rate—100 per cent. For aggravated robbery, such as armed robbery, 67 per cent of people who appeared before our Supreme Court were sentenced to imprisonment, and in New South Wales 87 per cent were. For serious assaults, the rate of incarceration was 54 per cent in both jurisdictions.

For burglary and breaking and entering, however, 30 per cent of ACT offenders who appeared before our Supreme Court were imprisoned; in New South Wales the figure was 75 per cent. For sexual and related offences, 30 per cent of people who appeared before the ACT Supreme Court were sentenced to imprisonment, and in New South Wales the figure was 72 per cent. I have seen quite a few letters to the editor in relation to that.

For the offence of supply and possession of drugs, 44 per cent of convicted ACT offenders were imprisoned, and in New South Wales the figure was 62 per cent. In New South Wales in recent times—and I note they have a Labor government there—they have had sentencing guidelines. To try to make that as simple as possible, basically the New South Wales Court of Criminal Appeal uses sentencing guidelines for serious criminal matters.

I think, now that the ACT is getting its own court of appeal, it provides us with a great window of opportunity to apply similar sentencing guidelines. Sentencing guidelines would be applied for crimes commonly committed in the ACT. What a sentencing guideline gives is a sentencing scale. Sentences start at an advised minimum point for custodial and other sentences that cannot be overlooked by a presiding judge, except in cases where there are some very strong mitigating or unique factors.

There is still discretion there. If a sentencing judge does impose an inappropriate sentence that differs from the guidelines, that is something that the Crown can then appeal against. Indeed, it would be the basis on which a defence would appeal, if the judge went too far.

What that would mean is that, if the normal tariff for a certain type of serious offence was, say, between four and six years imprisonment, then one could expect that the sentence would be within that range, unless there were some exceptional circumstances. Were a court, for example, to impose, say, a six-month imprisonment, or indeed give a suspended sentence or a bond, the DPP could appeal on the basis that the sentence was excessively lenient. Similarly, if a court were to impose a sentence of 10 years imprisonment, the defence could appeal that as being manifestly excessive.

Sentencing guidelines would also assist in ensuring greater consistency in sentencing within our own ACT court structure. We are not Robinson Crusoes: there is criticism in every jurisdiction that, depending on which judge you get, you are going to get a different sentence or a different result. Guidelines are very, very important for consistency too. Inconsistencies are just a quirk of human nature: judges and magistrates are all human. Every one has a different view, but sentencing guidelines are of assistance to everyone involved in the process.

Now that we are developing a court of appeal, sentencing guidelines should be used by that court and prepared by that court to be used throughout the territory. It is something that could give a lot more certainty to the sentencing process.

The community at large, Mr Speaker, does have a very real concern about what it perceives to be overly lenient sentences by our courts. Overly lenient sentences do not assist anyone in the judicial process. They certainly do not assist the community by ensuring that the relevant sentencing principles of deterrence, retribution, prevention and rehabilitation are satisfied. They do not even assist the criminal.

The ACT has very many similar characteristics to New South Wales. The types of criminal offences that are occurring are similar, and we have a common border with a reasonably big inland New South Wales city, Queanbeyan, which is very intertwined with the ACT. I think there is a very strong need for consistency in sentencing within our ACT courts, but also between our courts and their counterparts in New South Wales and, ultimately, because of things such as the development of a national criminal code.

It is incongruous, to say the least, that an offender who might normally get a tariff of say three or four years for a certain offence in New South Wales may expect to get a much more lenient sentence in the ACT of, say, 12 months, for what is effectively the same offence committed in the same circumstances.

I think there is a very strong case, not only in logical terms, but also based on my experience with both the New South Wales and ACT court systems, for following what is effectively a very fair and sensible system in New South Wales. Indeed, I commend the Carr government, and I am sure its Liberal opposition supports its sentencing guidelines.

We have a unique opportunity, with our new Court of Appeal, to give our courts the opportunity to improve sentencing practices, and to develop appropriate sentencing guidelines for our territory. I think that is something that will be of great benefit to our community. It will take the inconsistencies out of the system, but there will still be room for special and individual circumstances to be taken into account. It will also give a great deal more satisfaction and joy to the community, I think, who have real concerns about how the judicial system in the ACT operates. We will all be the better for it if this approach is adopted, and I commend it to the government, although I must admit I do not expect much.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.13): The government will not support this motion today. Of course, we do note that some crime rates have fallen. There are some aspects of the motion that, of course, we are happy to note, for instance, that I did make some comments on the weekend about sentencing, but in toto the government is not inclined to support the motion.

Indeed, we had some discussion about issues related to bail the other day. The AFP has briefed my colleague, Mr Quinlan, the minister for police, on the operations of section 9A. The shadow Attorney is correct when he says that the anecdotal evidence that we have to date is confirmed by some informal advice from the Australian Federal Police

that they believe that amendments to the Bail Act have had some implications for crime rates, particular property crime rates, in the ACT.

I think we all know—and, once again, this evidence is anecdotal—that much of the property crime in the ACT is committed by a small number of recidivist offenders. It is clear that people cannot continue to commit offences if they are remanded in custody. The shadow Attorney did acknowledge that the Labor Party did support the initial amendments, but we thought then that the government, buoyed up and in chest-beating mode, just took the issue a little bit too far, and we did oppose subsequent amendments to the Bail Act.

However, it is simplistic to claim that the Bail Act amendments are the only, or even the major, cause of declining crimes rates. There are a range of other factors involved, and we referred to these the other day. I have made the point before that there is a significant heroin drought affecting the ACT and Australia. I think the heroin drought is probably having an opposite effect to the one anticipated. It was anticipated that the increasing price of heroin would result in more burglaries, insofar as those who were addicted to heroin would commit more crime in order to meet the increased price of heroin. However, that has not happened, as the crime statistics for the 2001 quarter reveal.

There has been a fall in burglary rates, and it could be due to a number of factors apart from the Bail Act amendments. There is one thing we need to keep in mind in relation to any discussion about the burglary rates: for the last year, burglary rates in the ACT were still 13 per cent higher than they were in 1998. There was an enormous peak and we have come off the peak.

It is interesting that it was under Mr Stefaniak's stewardship that the rate actually began to decline. However, while the Leader of the Opposition, Mr Humphries, was Attorney-General, the burglary rate in the ACT led the nation. We had the most enormous peak in property crime here in the ACT during that particular period.

Mr Stefaniak, as Attorney, actually did manage to claw back some of that enormous level of property crime in the ACT, which had led to Canberra being known throughout Australia as the burglary and car theft capital of Australia, as well as the national capital. Certainly, the rate of burglaries was reduced under Mr Stefaniak, and you can take a pat on the back Mr Stefaniak. It is a pity that your leader did not have the same capacity and that, under Mr Humphries, we actually led the nation in burglaries and car thefts. Unfortunately, we still do lead the nation in car theft rates.

You did get the rate of burglaries down, but you did not go that further step, and the rate is still higher than it was back in 1998. When discussing these issues and discussing the effect of the Bail Act amendments, you should acknowledge that, even with the Bail Act amendments, the burglary rate is still higher than it was four years ago, when we did not have those Bail Act provisions.

In any serious discussion of this issue, rather than a grandstanding redneck response, you have to have regard to that fact. You have to have regard to the fact that you need to look at some of the other causes of crime rates. If you are genuinely serious about these issues, you need to be a little bit academic and a little bit rigorous in your approach. You need to think that, if the burglary rate is higher today than it was four years ago, then it

stands to reason that you cannot just say, "We have fixed this problem because we have changed the Bail Act." You do need to look at some of the other reasons for the rates of crime.

There are some other issues that you could actually have regard to, say, in relation to the high burglary rate and the fact that there has been a heroin drought. It may be the case that former users of heroin are more inclined today to seek treatment for their addiction. Perhaps they are turning to cheaper drugs and they do not need to be involved in crime to feed particular habits or addictions. There are a range of other reasons.

It is important to understand that there is a range of other reasons before you charge off and introduce measures that may not be relevant. If there is less heroin, if people who are addicted to heroin are more inclined to seek treatment, if they have actually moved on to other substances, if there is no reason for them to engage in as much crime as previously, then those factors need to be taken into account, so that we do not just pass laws willy-nilly.

There has also been a range of other initiatives. The family violence intervention program resulted in a significant improvement in the—

Mr Smyth: Which we did.

MR STANHOPE: Yes, sure, you actually did a bit of lateral thinking. You did not just go charging off saying, "Let's get tough on criminals—let's just lock them all up, particularly on remand, when we are not even sure that they are criminals, and they are only alleged to be criminals. We will lock them up anyway and keep them locked up forever, until we can actually get them into the courts and try them to discover whether indeed they are criminals."

We are doing very significant things here. We are actually now locking up alleged criminals, on remand, as a first response, and leaving them there for a long time. The family violence intervention program is another potential reason for falls in crime rates. These days, property owners are far more inclined—as a result of a scare they received from the previous government, which turned Australia into the burglary and car theft capital of Australia—to take action themselves. They have made their homes far more secure than they did previously.

Some crime rates have decreased since the Bail Act amendments, but others have increased. There have been some other significant increases, and one of the most worrying, in the last year, was the jump in bodily harm offences. In the December quarter, they rose by 42 to 136, the highest ever rate of bodily harm offences recorded in the ACT, recorded last year. That is almost a 25 per cent increase in bodily harm offences in one year. It was a very significant increase.

Of course, crime statistics are very complex, and it is not always easy to draw conclusions from the statistics. It is hard to draw conclusions, and it is hard to get definitive answers. For example, we cannot say whether the 18 people imprisoned for burglary and related offences in the last quarter were recidivist offenders: we simply do not know. However, these are the sorts of claims that are being made. At this stage, we

simply do not have the capacity to know that, because they have not been tried. There are similar problems in trying to gauge the overall effect of 9A.

As I said before, we supported the original section 9A, but we did not support the further amendments that the government later ran through with their then confreres on the crossbench.

I guess the bottom line is that any decisions we make, particularly in relation to criminal justice and the locking up of people, do have to be informed by a real understanding of exactly what we are doing, the implications of it, and what the data are on which we base those sorts of decisions. We do need to have a look at the operation of the Bail Act, and that is something that will be done as a matter of course by the Department of Justice and Community Safety. That is something that we will do a little bit further down the track.

The shadow Attorney also referred to the fact that the government has announced that it will have a look at police powers. This is something we announced in the election campaign: it is something that we will do. We will have a look at police powers to ensure that police do have adequate powers to protect the community, without unduly interfering with citizens engaged in lawful activity.

During the last term, the government ran through a whole raft of amendments to the criminal law. A lot of them were knee jerk, ad hoc, uninformed, and very much driven by ideology rather than any determination to do anything serious about understanding the nature of crime and the way that we need to deal with it.

This government has no intention of engaging in some wide-scale roll-back of police powers. However, there were certain aspects of some of the amendments that the previous government introduced and pushed through that do need to be examined seriously, for instance, the right of police to enter a home on the basis that they believe that a summary offence, in some instances, may have been committed.

That is what we got down to under this last government, that police have a right to enter your home if they believe, in some instances, that a summary offence has been committed. I think we do need to look seriously at whether or not the police need powers like that and, really, it is irrelevant to me that the opposition are running this outrageous scare campaign about our intentions to roll back police powers. We are talking here about whether or not it is appropriate for the police to be able to enter your home, or my home, on the basis that a policeman may believe that somebody in the house may have committed a summary offence. That is not within the range of powers that the police have anywhere else in Australia.

This is a unique power that you gave the police in this place. It is not a power they need. There is no demonstrated need for it. I bet it has not even been used once since you introduced it. It is an unnecessary power and it should be looked at. I bet there is not a single instance of a policeman with such a belief entering a house without a warrant in relation to a summary offence. It is a power that you gave them, a power that they do not need, and a power that the police do not have anywhere else in Australia. We should look at those sorts of things, because you did some crazy things when you were in government.

I have also indicated that the department will have a look at our sentencing laws and our practices. I am interested that the shadow Attorney actually has some similar views about the need to look at sentencing. Heaven forbid, of course, that the Attorney would propose a review of sentencing options or the need for sentencing guidelines. Heaven forbid that anybody in the Liberal Party would ever support a review.

Yet, here we have the shadow Attorney suggesting that he would like us to have a look at sentencing guidelines. A review, shadow Attorney, for goodness sake! Show some courage, Bill, and just do it. Do not think about it, do not worry about the consequences of it, just do it mate. Do not get expert advice, do not actually ask somebody to look at it, do not consult, just do it mate. This is the new Gary Humphries mantra: just get out there, beat the chest and do it. You do not need the public service, and you do not even need to bother consulting them.

Mr Smyth: You were beating your chest on 2CC this morning about how tough you were.

MR STANHOPE: I was. It is interesting, actually.

Mr Smyth: It was Jon Stanhope sticking it to Richard Pernot, telling him how tough he was because he was beating his chest yesterday.

MR STANHOPE: That is right. I do not have much time, so I will conclude on this point. The Deputy Leader of the Opposition is actually urging me to draw attention to one of the issues that I did raise on the Richard Pernot show this morning. Of course, that was the fact that the Leader of the Opposition has criticised me for arranging for a submission to be made to the Remuneration Tribunal in relation to the circumstances in which members of this place can take cars. The Deputy Leader of the Opposition wants me to raise this matter here, and I will do that.

I know I should not respond, Mr Speaker, but I will. Yes, Mr Smyth it is true that I have asked the Chief Minister's Department to make a submission to the Remuneration Tribunal with a view to determining whether there should be some guidelines that control the basis on which members of this place get their great big cars. This matter did revolve around the fact that Mrs Dunne did ask for a bigger car, as a result of her family circumstances. There is a legitimate question here—whether or not the extra $300 or so a month that the taxpayers are paying as a result of such situations should be contributed by members themselves.

One has to ask, why is it that the Leader of the Opposition and Mrs Dunne would not want a review into that matter? Why would Mr Humphries criticise that as a review? Does he just want me to do it? Did he want me to just say, "Mrs Dunne, if you want this big, flash car, which actually costs—

MR SPEAKER: Chief Minister, relevance.

Mr Smyth: Relevance, Mr Speaker.

MR STANHOPE: This is about reviews and the need for reviews. That is what I was talking about on Richard Pernot's show this morning. I was talking about that very review, and the fact that neither the Leader of the Opposition nor Mrs Dunne wanted a review into the basis on which we actually receive our cars here. Thanks for reminding me of that, Mr Smyth. *(Extension of time granted.)* As I say the government will not be supporting this particular motion.

Mr Smyth: You have to listen to your Speaker. He is actually on your side.

MR SPEAKER: I am on your side too, Mr Smyth.

MR STANHOPE: Thank you, Mr Smyth, for raising the issue of the review which I have asked for in relation to members' cars, and for raising the reason that I ask for a submission to be made to the Remuneration Tribunal in relation to that matter.

MR SPEAKER: Chief Minister, relevance please.

MR STANHOPE: Thank you, Mr Speaker. I will just conclude. I have asked the department to look at a whole range of issues related to sentencing. I think there are some very significant issues that we do need to look at. I think we do need to look at the extent to which we use diversionary or restorative justice programs, and consider that there are other non-custodial sentencing options available in the ACT. We also need to have a look at the assessment of sentencing options and programs for offenders, particularly if they are chronically ill, if they have a substance abuse problem, if they have a mental illness, or if they are indigenous people.

Of course, we all know that we can actually name those groups of people within our community who are significantly and seriously overrepresented in our jails. They include people with a substance abuse problem: 60 to 70 per cent of people within our prisons have a substance abuse problem, or are involved otherwise in criminal activity associated with drugs.

We know how many people within our criminal justice system have mental health requirements. We know how many people within our criminal justice system are indigenous. There are a whole range of indicators, and it is appropriate that we look at the factors that lead to them being incarcerated. In their interests, in the interests of the community, and in the interests of the taxpayer, we should be looking at those kinds of issues. I have therefore asked the department to look broadly at sentencing options, other possibilities for diversion, issues in relation to ensuring that we have genuine restorative justice programs, and issues concerned with keeping people out of jail in the first instance.

As part of that general review, of course, we will also look at the sorts of issues that the shadow Attorney has mentioned. We are already doing it. We have already announced that we will be reviewing the whole range of sentencing options. Of course, we will have a look at the sorts of issues that the shadow Attorney has raised in relation to sentencing guidelines.

In relation to that, I have to say at the outset that, while I know that my dear colleagues in New South Wales have embraced sentencing guidelines, I am one of those who have always been inclined not to fetter or interfere with the independence of the judiciary. I am always concerned, in any discussion about sentencing guidelines, that it is really a veiled attempt to say to the courts, "We do not think you are doing much of a job. We appointed you to the job, we made you magistrates, we made you judges, but we simply do not trust you to do the job. We do not think you are up to it. We do not think you are actually being harsh enough. We do not think you are locking up enough people, and so actually we are going to try to interfere with your independence. We are going to interfere with the discretion you have in whatever way we can. Of course, we acknowledge that sentencing guidelines cannot be binding, but we want you to have a look at these sentencing guidelines, because we do not think you are doing much of a job."

I think it is vitally important that we respect the independence of the courts, the independence of the judiciary. That is what we appoint them for: we appoint them because they are experts, we appoint them to administer the law, we appoint them to exercise their discretion on the basis of everything they know. They will sit through a particular trial about the offender, about the offence, and know all that information that those of us who are at a distance from that process cannot know about.

It is always very easy and simplistic to respond to community campaigns or outcries in relation to a particular penalty by saying, "The courts have gone mad. They have gone so soft on crime." It is important that we always present this issue in context, particularly for legislators and governments, who are required to lead debate on these issues. We should say, "We appoint these people because we trust them. We appoint them because they are experts. We appoint them to sit through a trial process, and we expect them to bring their best judgment to bear." This notion "They are not doing their job properly. Let's introduce sentencing guidelines to try to keep them honest" is really something that we need to think very seriously about.

It is an area where we should resist political pressure, which would have us say, "We will cry with the crowd on this. We will ignore the independence of the courts and the judiciary. We will tell them how to do their jobs."

MS DUNDAS (11.33): I rise on behalf of the Australian Democrats to speak to this motion. Today, we have a continuation of the law and order rhetoric in the chamber. Yesterday, two laws were passed, one relating to the criminal code, the other an amendment to the Crimes Act, and tomorrow we will spend time debating a bill on drivers licences, which is another crime-related bill. Today, for something completely different, the Assembly is able to spend more time talking about crime.

Let's hope this does not turn into a bidding war on sentences and police powers in the way it has already become a bidding war about statistics. On Sunday, the Attorney-General re-announced a review into sentencing. This was an election promise of the ALP, and I am glad to see the Labor Party acting on its election promise. On the other side of the chamber, the Canberra Liberals promised to introduce sentencing guidelines, so I guess calling on the government to do so is also living up to their election promise.

However, rather than trying to instil fear into the community by beating up the crime rates under one government or the other, let's look at the real causes of crime and real strategies for crime prevention. The latter include community confidence in the neighbourhood, in the police service, in the judiciary, and confidence that the Assembly members are working on real solutions.

We should be looking for the cause, and we should be looking at why people are committing crimes, and concentrating on rehabilitation. Punishment, revenge and an eye-for-an-eye attitude achieve little but a high prison population.

Harsher penalties may excite the media. They also seem to excite "old party" politicians. They may also excite those who want revenge, but they do absolutely nothing to assist in the rehabilitation process.

We know that sentencing guidelines have a long and chequered history, and when, in the late 1970s and early 1980s, the New South Wales Court of Criminal Appeal set sentencing guidelines, it was clearly intended that people convicted of culpable driving should go to jail. At the time, the move was applauded. However, the result was not the desired outcome, as more offenders than before pleaded not guilty, and juries, particularly in country areas, were not prepared to convict people of the offence as they knew it now carried a jail term. As a result, fewer convictions were made and more offenders continued to drive their cars.

One thing that needs to be made clear is that introducing sentencing guidelines to provide for consistency can be distinguished from introducing them as a result of allegations of systemic excessive leniency. Where there is inconsistency, sentencing guidelines may be helpful in creating structure for sentencing, whereas allegations of systemic leniency, which often do appear in the media, are not well informed, but rather based on a couple of high profile cases. The media do not look systematically at the day in, day out imposition of sentences that are generally regarded as correct and passed without comment.

Sentencing is a popular issue. It is popular with talkback radio and regularly ranks in the top three talkback issues in Australian capital cities. Not surprisingly, though I do not suggest causation, there is no mainstream political imperative to cut the rates of imprisonment.

This cuts to the heart of the question about who should decide sentences: should it be those on talkback radio, the parliament or the judiciary? If it were the parliament, we must consider that for the Attorney-General, the first law officer of the territory and a member of the executive, to put forward sentencing guidelines surely blurs the distinction between the executive and the judiciary.

Let's look at what happened in the Northern Territory, where sentencing guidelines saw many examples of injustice occurring in the courts, as judges' hands were tied in regard to the mandatory sentencing of juveniles. This just makes the courts pawns in political games, where there are no winners.

The ACT Democrats welcome the government's sentencing review and will judge any recommendations that result from this on their merits. In the meantime, I hope that this predictable crime and sentencing debate ceases, and that the government seeks out sensible, rational and practical solutions to crime prevention.

I am interested in the comments made by the Attorney-General just before he left this chamber, when he said that he does not like giving in to the crowd and following the opposition's suggestion that we just introduce the same laws as New South Wales has. I find this very interesting considering the debate we had yesterday, in which we just picked up a piece of legislation that was being implemented elsewhere, and took it upon ourselves to introduce it in the territory without really considering the impact it will have here. We did not really take the time to think about people making political protests, who are now going to be persecuted under this new law.

MR SPEAKER: I would like to welcome Melba High School year 9 students to our Assembly.

MR PRATT (11.39): Mr Speaker, I support the motion. The existing policy of bail laws has had a demonstrably major impact on crime. A major factor in this is the fact that recidivist offenders are detained pending trial. Reviews are not needed to prove this. What is happening is clearly a case of good, workable, current policy. For example, I am pleased that in Brindabella there have been measurable improvements in the decline of crime rates.

To water down the current provisions would not only be dangerous to the community, but also irresponsible. I too hope that the government intends to continue supporting the current provisions.

I congratulate the government on its firmness, demonstrated in this place yesterday, with respect to sensible initiatives taken to combat anthrax and other associated hoax crime offences. I trust this firmness will continue in relation to the Bail Act 2001. I, and the community, hope this demonstrated firmness will also obviate a winding-back of the reforms made to the Crimes Act in 2001.

I do not support jailing people for jail's sake—nobody on this side does. In some cases, detention is simply inappropriate. These things must be determined on a case by case basis. However, for repeat offenders, who continually carry out crimes against the community, detention is appropriate.

Finally, Mr Speaker, it is hoped that the Chief Minister does not hide behind the inappropriate act of silly labelling—using silly tags like "rednecks"—to quietly go soft on crime. If the system works, then do not break it. Community safety is far more important than political ideology.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.41): As police minister, I have observed the falling crime rate following Operation Anchorage. I have heard the claims from the police and discussed them. They say that the fall in the crime rate is attributable to intelligence-

based policing, peaking with Operation Anchorage, changes in drug availability and the presumed impact of changes to the Bail Act.

I have sought some empirical evidence to support that claim. I think it is very necessary, when you have legal provisions that could result in the inhibition of individual freedoms, that we thoroughly check the real effect. Of course, there is no way of measuring whether a person charged with a crime would have been allowed bail in other circumstances. Therefore, we cannot actually crystallise a statistic to the point of saying, "This number of crimes have been prevented or obviated because of the Bail Act."

I feel there is a probability that the Bail Act has had an effect on the crime rate. However, I would not go so far as to give a simplistic interpretation of some of the statistics available. I studied statistics a little whilst I was at college. The one thing I learnt was that it is a dangerous weapon in the hands of a fool and that one should be very, very careful of how statistics are used.

We have statistics available to us in this place. In fact, the Attorney-General, Mr Stanhope, has tabled the September quarter ACT Criminal Justice Statistical Profile. I recommend that members go back and have a look at the trend lines in offences, and look beyond mere property theft. When you are drawing conclusions, for God's sake, just in the interests of intellectual rigour, have a look at the facts!

If you look at the lines of best fit, going back from 1996, you will find that virtually every form of offence has increased in the ACT. If you look at more recent statistics, you will find that robbery, extortion and acts causing injury to people have increased in recent times. I know what I would prefer. If it was bodily harm or loss of property, I think I would go for loss of property. Motor vehicle thefts and property damage have increased in recent times. We have a mixed picture and yet a selective interpretation of statistics.

I think the police have a reasonable case to come forward and say, "We think that, because of our intelligence-based policing, changes in the availability of drugs and the application of the Bail Act, property crime at least has decreased." They are, in fact, tagging people who are out on bail. I am yet to hear of a case, I will admit, where an individual has been charged with a crime, refused bail, and then found innocent of that crime, but that is going to happen.

We ought to be ready. We ought to be, I think, flexible enough to realise that we are playing with a reasonably dangerous, blunt implement in relation to justice. If it is just a case of a plea, let's not paint the picture that crime is on the decline across the territory, and that it is on the decline because we are banging up habitual criminals. The statistics do not exactly verify that broad claim but, used selectively, they do.

The police can provide you, if you ask, with a number of selected case studies of people chronically committing offences—people who are out on bail, having been charged with previous offences.

I have to agree with what Mr Stanhope said—that a feature of the last parliament was that very simplistic logic was used to justify fairly hairy-chested legislation. At many times whilst we debated these things in this place, there was a paucity of intellectual rigor to support it. It was the shock jock talkback radio reflex action.

I really think that this place should be above that. I am sorry I cannot agree with Mr Pratt, who says there is a demonstrable major impact, and that reviews are not needed. In fact, reviews are about thinking. Really, we should take these statistics and what we hear in anecdotal evidence, put it together and review it. We should think about it.

As Mr Stanhope has said, at this stage there has been no telegraphic message by this government that it will change the Bail Act at this time. But, be warned—there will, and may, be cases coming forward where it turns out to be a failure, in terms of the liberty of some individual or individuals. Then the debate will be open again.

I cannot support the motion.

MS TUCKER (11.48): I have not had time to put a lot of work into this motion. We were given notice of it only yesterday. I do not fully understand the status of the sentencing guidelines—I am not going to pretend I do. However, I will talk to the general issues that have been raised by this motion.

I think this is a very important issue. That is why I am disappointed that I did not have more notice of this—so I could have done some more work. I will do that after the fact anyway, because this is obviously not going to go away.

A review has been announced by the Chief Minister, to look at sentencing. That sounds as though it is a useful thing. I have certainly made the point in this place often enough over the last six or seven years that we need to be very careful about becoming too involved in determining that a hard, punitive response to crime is required in our community. I have said that this Assembly has to get quite deeply involved in what exactly that response should be. We have had debates, in this place, over the last few years, about legislation that was introduced by the previous government. We believed the Liberal government was moving towards almost mandatory sentencing.

There seemed to be a great deal more sympathy to that than I thought was good for a society which, on the other hand, claims to be committed to principles such as the presumption of innocence. That came up in the debate on the amendment to the Bail Act, which is the first point in Mr Stefaniak's motion.

Mr Stefaniak's motion says that we should note the falling crime rates in the ACT, attributed by the police in part to the reforms made to the Bail Act. I have taken an interest in this and done work on it. I was the only member who was not supportive of it when it was debated in the last Assembly. The evidence is not at all in terms of what effect the bail amendments have had on crime rates.

As we have heard from other speakers, some crime rates have decreased since the amendments and some have increased. There are other factors. There was the police exercise to change how they were working. There were other factors which have already been mentioned by Jon Stanhope in his presentation on this issue.

I do not think anyone is claiming that they fully understand the impact of it. They could not be claiming that. They do not claim that, because the evidence is not there. As this motion says, the police think that, in part, it may have had an impact. However, you do not look at an impact just in part. When looking at changing the law, you try to look at all the impacts. One impact is pretty clear—that we have a major problem in the remand centre.

That potential problem was pretty obvious when this was debated. However, it was not one that was given any serious discussion or concern when this amendment was passed.

I am sure most members would be aware of what has actually happened in terms of overcrowding in the Belconnen remand centre. The fact is that police cells are used regularly and people are housed together overnight in a way that would not seem appropriate.

The resources are not up to it. They are not able to cope with the numbers of people and their complex needs. Remand is an opportunity. Quite often, it is a window of opportunity for addressing very pressing problems. The quite inadequate preparation and resourcing of what would occur after this change should be of grave concern to anybody in this place who is responsible for supporting this legislation.

The other fundamental concern we expressed was the fact that this amendment challenged the presumption of innocence. This was about someone who had allegedly committed a crime not being able to receive bail if they allegedly committed another crime. That was the fundamental concern expressed broadly through the legal community, the civil liberties community and the human rights community in the ACT.

National discussion has followed that, in terms of the concern that this is an inappropriate thing for us to do, or that it is quite inconsistent to support that and yet still claim that there is presumption of innocence. The other thing was that there was always the potential, under existing law, to not allow bail if there was seen to be a danger to the community in that person being given bail. So it was not as if we could not deal with the issues surrounding this problem.

Anyway, obviously that has passed and we have this legislation. This government is saying that they want to understand the implications of it for crime, but I imagine they will be looking at the broader implications as well. I know they expressed concerns then—and Mr Stanhope has done so again today—about the question of whether or not this is consistent with fundamental legal principles, well-accepted community values of presumption of innocence and how easily we can detain someone or remove their liberty. This is not a small matter.

The second point Mr Stefaniak raises is the stated intention of government to wind back reforms. The last two Assemblies were characterised by majority support, pretty well always, for these sorts of initiatives. That was because the Liberal Party had that

particular approach, and were supported by Mr Osborne and Mr Rugendyke, except when they went too far—even for them.

I remember that Mr Osborne's experience as a policeman caused him to support me in an amendment—or maybe he even put it in the end—to wind back one of the proposals that came from the Liberal government, in terms of increasing police responsibility and powers. I think that was trying to take videos out of houses. Is that right? Did that actually get up? I cannot recall the exact issue but I do remember that Mr Osborne's police experience led even him to think this was really not in the interests of the police.

I have certainly been concerned, consistently, in this Assembly about increasing police powers. I do not think it serves either police or community interests. We need to be assisting the police to have good relationships with the community. Increasing their discretion is not necessarily going to do that.

The inexperience of many people in our police force has also come up. These concerns have been expressed by senior police officers. That is just another issue, in terms of what the actual results would be. We need to know whether there would be good results for the community and, particularly, for groups that can be targeted in the community, such as young people, groups of particular ethnic origin and so on. I remember in all those debates we kept hearing from the Liberal government, and quite often the Independents at the time, that there was absolutely no concern that there could be some kind of abuse of discretion by police.

That is laughable. No-one can seriously say that that is not a potential problem. No-one who lives in Canberra and has spoken to people in the Aboriginal community, or to youth groups, can seriously say that there are not abuses of power occurring in this city. Of course there are. That is the nature of any police force. That is why we have to be very careful when we increase powers in any way.

The third point is that we note the Chief Minister's statement over the weekend on sentencing review.

The fourth point is calling on the government to introduce sentencing guidelines. I said initially that I do not fully understand the status of sentencing guidelines or how we would introduce them. I said I will certainly be interested to understand that further. *(Extension of time granted.)*

Sentencing discretion must ensure that the punishment fits the crime. That is absolutely essential. That is the basic point of sentencing. If we want to ensure that sentencing fits the crime, then we have to look very carefully, if we are going to start making guidelines. We know who we imprison in this society. On the whole, we imprison people who have an issue with drugs, people who have a mental illness, people who are Aboriginal and people who have an intellectual disability. People who are sexually abused as children are highly overrepresented in prisons. This is who we imprison.

Mr Pratt actually said he thought, "Fair enough, you have to have appropriate sentencing, but when people keep doing it, then clearly they must be imprisoned." That is not a logical sequence of thinking. If, in fact, you understand the causes of crime, it is quite

possible that you will see someone committing a crime more than once if the problem is not dealt with. That, of course, is what happens.

In fact, if people with substance abuse problems, addictions, mental health problems, et cetera, are not supported, guess what? They do it again. There is a problem with this sort of line that comes from the Liberals. I will not support this, because I think it is supporting the position of the Liberal Party. I am fundamentally concerned about that and will not support it.

The problem is that they are not really seriously understanding, or looking at, how we can have sentencing options which fit the crime. That means looking at why these people have got into trouble. It means that, as a community, we resource, through government and through the budget, solutions to the social problems that have caused this situation. That is the sort of thing I hope to see.

I note that ACTCOSS has welcomed this review of sentencing laws. They said:

> … the review of sentencing is welcome, but should not follow interstate examples and get caught up in the idea of harsher prison sentences.

I totally support that statement—I think I have already made it. It says further:

> By the Chief Minister's own admission, up to 70 per cent of the ACT residents in prison have substance abuse problems, suffer from a mental illness or are of Aboriginal or Torres Strait Islander descent.

It also says that we must have a sentencing review which gives an opportunity for community groups, and members of the public, to put forward positive and progressive options for sentencing.

That is, of course, exactly what should happen. I will be keenly interested to be involved in that review, if that is the principle the government uses to carry out the review.

MR SMYTH (12.02): Mr Speaker, I rise to put to rest some of the accusations that have been made. We heard from the Chief Minister that we are all rednecks over here. We heard from Ms Tucker that we are characterised by a particular bent to the law and order solution. If you look at the record of the last six years, you will see that none of that is borne out.

On one hand, we have been supportive of the police and their endeavours to enforce the law but, on the other hand, we have been innovative in our approach to make sure that we break the cycle that leads to crime. People should refer to the report of the poverty task force. We tried to find out the issues that kept people trapped in poverty to make sure we could break the cycle. We know that a large number of people who are caught up in crime have health problems, possibly mental health problems. Areas of the 2001-02 budget look at early intervention and poverty so that we can break the cycle.

This is a party that has always had a broad mind and an innovative approach to dealing with crime. You have to have the firm hand of the police, and we need to give the police resources and legislation so they can administer and enforce the law appropriately. But this is also the party that introduced periodic detention and home detention bracelets.

In the construction of the ACT prison, we were looking at ways of reducing the number of people who return to prison. If my memory serves me rightly, 70 per cent of incarcerated people come back for a second term. We would have addressed the current system, which relies on New South Wales, and continued to build on the reforms of periodic detention, bracelets and diversionary conferencing this party introduced.

Let us put aside the labels and look at the real issue here. The real issue is people having a safe place to live and having confidence in the fact that justice will not just be done but be seen to be done. That is why we took a very broad approach. That is why, as we made up for the Labor Party's $344 million debt, we channelled large sums of money into crime prevention, helping people through the CLASP program, helping those less well off in society with a free assessment of their circumstances and with ambulance, police or fire brigade officers helping them secure their homes. We educated the public about what makes their house or them a target for crime and how they can have an impact. We have always said that this is not a job to be left up to the police; that it is a job for us as a community, with the assistance of the police, to tackle.

In last year's *Budget at a glance* document we talked about early intervention, innovation and the importance of a holistic approach to education. It is about developing family cohesion. It is about intervention in problem areas, including mental health and alcohol and drug abuse, and addressing problems that are the root cause, not dealing with them when you have to.

Ultimately some people will get involved in crime. We believe there should be a regime that says that crime will be not be tolerated. Let us get rid of this lie that we did not have a broad strategy. Let us get rid of this furphy that somehow we are rednecks. That is not true. We have implemented innovation in trying to deal with crime at its start, with the people who are involved in it and with rehabilitation. The Chief Minister mentioned the family violence intervention program. That is an effective program.

Mr Stefaniak's motion says the falling crime rates are attributed by police in part to reforms to the Bail Act. There are other factors that we acknowledge. We know that law is not the only answer, but we know that it is an important part of the answer.

I was present late year when the Chief Minister launched the RecLink program at the Belconnen skate park. He forgot to mention that it was a program we put together after being approached by the community to look for innovative ways to intervene before young people got into the crime cycle well and truly. It is about taking the police away from being enforcers of the law towards being interveners directing young people into other paths away from the path of crime. The RecLink program is a program we funded. We talked to the community, and they said there were other ways of addressing the problem. The program started in Hobart. It proved to be a huge success there, and we borrowed it to use it here. The Chief Minister got to launch it, and that is great, because it helps young people. Let us put the tags aside and let us look at what we are talking about here.

The police said to Gary Humphries, Bill Stefaniak and me as successive police ministers, "Give us the tools and we can do the job." In last year's budget police funding went up $3.1 million, some 5 per cent, so that we could give the police extra tools. This is the party, when in government, that said, "Let us get the police back on the street where they

belong." We freed them from jobs that trained police officers should not have been doing. The community wants them on the street. They ought to be on the street preventing crime or, if they have to, solving crime. We freed something like 50 officers from communications rooms and from desks to make sure they were out there helping build relationships with the community by their visible presence but at the same time solving crime if they had to.

The police said they needed certain equipment, and as we came into surplus we were able to provide them with that equipment a number of times. That equipment is proving to be very effective in the prevention and the solving of crime. I urge the current government to take up the use of DNA testing. DNA testing has the potential to solve large numbers of crimes perpetrated by the one offender. It can also free people who have been wrongly convicted. We should use this modern technology to make sure justice is done.

Another way of fighting crime is through effective law. The police told me continually, even before I became police minister, that they were sick of arresting the same bod time and time again because when they took him to court he was asked if he wanted bail and when he was granted bail he went straight back to his crime. He had to be caught several times. It was not just a matter of the police taking him to court and locking him up. Now, when you are repeatedly caught for the same offence or for a serious offence, bail can be withdrawn. That is a reasonable thing. The administration of the Bail Act so far shows that it has been effective. The motion uses the phrase "in part", because the Bail Act is one of the tools the previous government put in place and used to reduce crime.

The second thing we did to make effective law was to amend the Crimes Act so that police need only reasonably suspect rather than reasonably believe. These provisions are in line with provisions in New South Wales that have helped the police there counter burglaries, and I believe they will help here.

We have to keep a watchful eye on legislation. If anyone knows of examples of these powers being abused or these powers not being used appropriately, I would like to know about them, because I helped pass that law and I want that law used effectively. Apart from ideology, nothing has been put to us that would indicate that these laws are ineffective or are being abused. I want that information.

We also worked with the police to make sure that there were effective tactics and that the tactics changed. Intelligence-led policing through Operation Anchorage was very effective. But when we had an effect in one area, we then moved on to the next area. When we reduced the number of burglaries by catching the burglars and keeping them locked up, we then went after the fences. We were constantly shifting the focus of what we were doing, and the police deserve immense credit.

Mr Stanhope likes to quote old figures and run his rhetoric about Canberra being the burglary capital. We are the only jurisdiction, to my knowledge, that has crime rates going down. I want to quote figures for the financial year 2000-01, and I hope that when we get the 12-month figures for 2001-02 they are as good. There were some increases in crime in 2000-01. Assaults went up 10 per cent, armed robberies 4 per cent, shoplifting 5 per cent and arson 20 per cent. But murder went down 100 per cent, serious assault 14.3 per cent, serious sexual assault 30 per cent, armed robbery 12 per cent, burglary of

a dwelling 24 per cent, burglary of shops 7.5 per cent, other burglaries almost 18 per cent, fraud and misappropriation almost 60 per cent, motor vehicle theft 29 per cent, bicycle theft 21 per cent and property damage 7 per cent. Some crimes went up, but the majority went down. When the majority of statistics go down, you can free resources to tackle the emerging problems through effective police tactics and intelligence-led policing.

We did not stop there. The Institute of Criminology assessed what we were doing to see whether it was effective or not, and they gave us advice. We then went a step further. *(Extension of time granted.)* As ministers sitting in a cabinet, we had a profile on crime perpetrators in the ACT. From the results of Operation Anchorage, we got a profile of the average burglar, showing where he committed the crime, what age he was and what difficulties he had? In the main, they were males. As a cabinet, we said, "This is an ideal opportunity to work on prevention. Let us find out the problems these people encounter in their lives if we can—if they agree to help, that would be good—and use that as a basis for preventing crime in the future." The CEOs of Chief Minister's, JACS, health and education got together with the Chief Police Officer and started looking at the common themes, the indicators, the things that had led people to become involved in a life of crime. By using the money in the budget for early intervention and for reducing poverty, we could change the circumstances which were leading people into crime in this city.

We had a very broad view. We knew we had to give the police effective tools, but we were not content to let it go at that. I was with a range of AFP officers on the weekend, from new constables to long-serving superintendents, and they are all convinced that without the provisions that are in the Bail Act now crimes will go back up.

Mr Stefaniak's motion addresses a legitimate concern of the community about sentencing. That is why we in the Liberal Party will be supporting this motion. That is why all members in this place should be supporting this motion. It is not just about policing. It is about us as a community offering hope and solutions, when necessary offering incarceration—that is one result—but also offering ways forward. We are the party of innovation that started on the path. The challenge is for the new government. I want to see their commitment to poverty reduction, early intervention and innovation in tackling crime and recalcitrant prisoners to make sure that people do not go back to prison once they are released. We will be supporting this motion.

MR STEFANIAK (12.15), in reply: I thank members for their comments. I am not surprised at the comments of those opposite. With so many screaming lefties in the place, I did not expect everyone to support this motion. I was a bit concerned when I heard Ms Tucker was considering supporting it. I was relieved when, true to form, she said, "I do not think I can support this" and made the speech she did, however wrong and misguided her speech might have been. It does surprise me that the motion will not get support.

Rather than just a knee-jerk reaction in not supporting this motion, the government should look at the motion more closely and support it. I think there is real cause for concern in the community at some of the comments made by the government.

I will cover all the comments that were made. I agree with the comments made by my two colleagues, Mr Smyth especially. Mr Smyth laid out all the other measures taken by the previous government—early intervention, trying to get to the root causes and trying to ensure that people were suitably rehabilitated so that they did not reoffend. A lot has been put in place. We probably have more of those measures than any other state or territory in the Commonwealth.

You can have all the measures in place and you can do absolutely everything to try to address root causes and ensure that people do not go too far down the track of crime and that, if they do, systems are in place to help them, but there will still be people who commit crime. As long as we have humans on this earth, there will still be people who will not abide by the laws of society and who will commit crimes regardless of all the steps taken to help them.

We heard the tired old comment by Ms Tucker that it is really the fault of everyone except the criminal; that it is society's fault; that things should occur to help them; and that effectively criminals are not responsible for their actions. I am sorry, I cannot buy that. A lot of people who are in very difficult circumstances and to whom life has dealt a very bad hand would not dream of committing a crime and are law-abiding, honest citizens. Very few people in public housing cause mayhem and make other persons' lives a misery and tarnish the reputation of others. The vast majority of people in public housing are good solid tenants, responsible and respectful of others' rights. The actions of a few tarnish the reputation of others. It is the same with people in difficult circumstances.

There are always going to be people who, unfortunately, will have to be locked up. You can take all the steps in the world and that will still happen. That is something a lot of people fail to appreciate. That is why you need programs across the whole gamut, but you need proper laws in place to ensure that the ordinary law-abiding citizens of our community are properly protected.

I am concerned to see the Labor Party ducking and weaving and not wanting to own up to what the police are telling them about the Bail Act. The statistics, the objective facts and all the commonsense facts are telling them that that law is working. I am sure the police have told the Labor Party that there are about 232 repeat offenders in the ACT for crimes like burglary. Before we changed the bail legislation, there was a presumption in favour of bail, which made it virtually impossible for a court not to give bail to a person charged with burglary. Now if they commit more offences and are charged again, they are remanded in custody. This makes it impossible for them to get out there and create havoc in the community and commit further offences while they are waiting for their case to be dealt with. It is as simple as that. All the facts are showing that the law is working.

The courts, by and large, wanted these measures. These measures are very effective. I had magistrates coming to me saying, "With this presumption in favour of bail, we really have our hands tied." Further improvements to the Bail Act are necessary. The Law Reform Commission has made recommendations. In a recent case before Justice Gray, because of the presumption in favour of bail for very serious crimes, someone charged with murder was given bail, despite the strong objections by the prosecution and the family. We need to further things along the lines recommended by the Law Reform

Commission, which is hardly a bunch of screaming lefties. The commission is made up of people from right across the spectrum, including legal aid. They deliberated and came up with a recommendation that we need to improve the law.

Mr Quinlan mentioned that some offences have gone up. Assaults have gone up by 7 per cent and sexual assaults, sadly, have gone up by 25 per cent. There is a difference between those offences and offences like burglary. In very rare instances will you see someone charged with those offences charged for another serious offence in the space of the few short months it takes them to get a hearing in court. It just does not happen. You can go through all the court statistics on that. I can count on one hand the number of instances of someone charged with assault being charged with a later assault. It is very rare. I do not think the Bail Act effectively applies to those types of offences, simply because of the very nature of those offences and the modus operandi of individuals who commit those offences. They tend to be charged and then dealt with. They are not repeat offenders like those who break and enter and commit burglary and robbery.

Labor should not apply their prejudices and their natural reluctance to accepting something as sensible as the Bail Act. Listen to your police and listen to the community. Again, I have some trepidation if you are looking at reviewing the Bail Act down the track. If you try to be objective, you might see how effective it is.

I do not have a drama with Mr Stanhope looking at sentencing, provided he does it properly. I am concerned to hear statements in relation to sentencing guidelines. He seems to dismiss the idea, unfortunately. He states that he does not want to fetter the judiciary. Sentencing guidelines are just that. They are guidelines developed by very senior judges. They are there to ensure that there is some way of achieving consistency, given that each case has some differences and given that there might be some exceptional circumstances. They are nothing like mandatory sentencing. They are guidelines to assist the judge. Judges and magistrates are human. Ask any solicitors or barristers in the ACT, New South Wales, Victoria or anywhere else, and they will tell you that there are members of the judiciary who have a reputation for being the hanging judge and others who have a reputation for giving a slap over the wrist with a wet tram ticket. Guidelines get away from that.

You have a great variety of sentences within the judiciary. Sentencing guidelines get them a lot more into kilter. The sentencing judge, magistrate or whoever it is still has the discretion to look at all the circumstances of the case and take into account anything unique. But if something is manifestly wrong either way, when the case is appealed to a superior court there are guidelines that assist that court.

It is commonsense. Yet the Attorney pooh-poohed it. I thought initially he was not going to and I was getting a bit hopeful that we might get some really good things out of this review, but then he seemed to dismiss that out of hand and state his reservations. I do not agree with his reservations. Sentencing guidelines do not fetter the judiciary. They are a way of achieving consistency and confidence in the community. That is crucially important. I have noticed over the years declining community confidence in our court system. Sentencing guidelines are one way of ensuring, at least in the criminal law system, that confidence can be regained because we can have much greater consistency.

I have talked to very senior judges in the Court of Appeal in New South Wales who are very happy with the way it has gone and who swear by it. They are judges who have made their living as defence lawyers or in other areas and could hardly be called rednecks. The government should not just pooh-pooh sentencing guidelines. They should seriously look at them. If they are not going to bring them in, we certainly will attempt to bring in legislation that would get them up and running.

If the Attorney bothers to talk to members of our judiciary and our magistrates, he will find that the majority of them favour of something along the lines of what New South Wales is doing. *(Extension of time granted.)* I urge the Attorney not to let his natural prejudice and his instinct to ensure the judges' roles are unfettered get in the way of talking to people about looking at sentencing guidelines very seriously. I think they are terribly important for our continually evolving legal system.

Ms Tucker went somewhat overboard in talking about addressing the root causes. She ignored the fact that some people need to be locked up. The same applies to Ms Dundas.

It has been a useful debate. I am somewhat sorry but not surprised that our motion will not succeed. I fear, however, that with some of the views expressed we may see a winding back or changes to the detriment of some very important laws that have benefited the ordinary innocent law-abiding citizens of Canberra.

Ms Tucker has one point. Yes, there are problems at the Remand Centre. There is some overcrowding there. That is hardly a reason not to enact laws to protect the community. In fact, it would be a dereliction of our duty if because we could not afford it or because there might not be enough room at the Remand Centre we did not enact laws that protected the community. We were going down the path of building an ACT prison and expanding remand facilities. That is essential.

The community expects that people who commit serious crimes that should attract a jail term are actually jailed. I will never resile from that as long as I am in the Assembly, nor will I resile from trying to change attitudes so that the community is protected, we have decent laws that ensure our police can do their job without one hand being tied behind their backs and there are processes in place so that if people do commit serious crime the punishment fits the crime.

We need to look at correctional facilities. I hope that under the new government the prison just has not gone into the too-hard basket. It is important to ensure that if people are jailed the system works and they have the facilities and the training to ensure that they come out better equipped for society than when they went in. Education and training are crucially important.

That can lead to real rehabilitation. I have known people who have gone through state prison systems and availed themselves of the training there, who have come out and who have not reoffended but been useful members of society. It is crucially important that we fast track the prison to ensure that we have control over what happens in prison and ensure that the right programs are put in place to give people every opportunity and training to go out and lead useful lives. Some probably never will. Unfortunately, there are some people who are just bad. But a lot of people in prison can be trained so that when they come out they can lead useful lives.

Again I would commend to this government that they do not pussyfoot around too much on the prison. For God's sake, pick a site and get on with it. If we run it properly, that will assist the criminal justice system.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 5		Noes 8	
Mr Cornwell	Mr Stefaniak	Mr Berry	Ms MacDonald
Mrs Dunne		Mr Corbell	Mr Quinlan
Mr Pratt		Ms Dundas	Mr Stanhope
Mr Smyth		Ms Gallagher	Ms Tucker

Question so resolved in the negative.

Motion negatived.

Sitting suspended from 12.33 to 2.30 pm.

Questions without notice

Public service

MR HUMPHRIES: My question is to the Chief Minister in his capacity as the minister responsible for the public service. Chief Minister, after your first 100 days in office, Peter Clack of the *Canberra Times* reported on your pride in issues such as competence and attention to proper process in government. Have you been competent enough to instruct or at least indicate to the public service that, under your government, process must be impeccable?

MR STANHOPE: I thank Mr Humphries for the question. I am particularly interested in Mr Humphries' devotion to process and integrity in government and to integrity in all other things in the maintenance of high moral standards for himself and his staff, which is something that we expect also in relation to the public service. I am not sure, in terms of the discussions I have had with the head of the Chief Minister's Department or the Public Service Commissioner, that I have ever used the word "impeccable". I am not sure that I have ever suggested that I would expect impeccable standards of them. It is a term of art, perhaps, that we would have to debate.

As you know, Mr Humphries, the Public Service Commission is engaged in a major review of the public service in its operations and the standards expected of it and that it demands of itself. Another review, perhaps a review that Mr Humphries initiated in one emanation, was that of the public service renewal process, a process that arose out of the hospital implosion and the scandal around the Bruce stadium redevelopment. To the extent that we are concerned about public service standards, a lot of work is being done. It is work that arose out of those issues around the hospital implosion.

I think you will recall, Mr Humphries, that the coroner found in relation to some of the aspects of the tendering process for the hospital implosion that there were no processes. I am interested in your devotion to process, as one of the findings of the coroner was that there was no process. No, he did not; I do him a disservice. I think that he found that the tendering process followed in relation to the hospital implosion was a sham. It was a process—I believe these are the very words of the coroner—designed by the previous government, the government of Mr Humphries, to disguise the fact that there was no process. That was the tendering process that you utilised in relation to the hospital implosion. In terms of standards, the standards that Mr Humphries employed in relation to the hospital implosion are not acceptable to me—standards which the coroner found, as I said, to be a complete sham, a process designed to disguise the fact that there was no process.

I move from there to the Auditor-General's report in relation to the Bruce stadium, where there was another major dissertation—in fact, 14 separate reports—on the Liberal Party's view and attitudes to process, integrity, morality and ethics. I am reminded, as we are constantly, by the fact of the illegal behaviour that was very much a feature of the redevelopment of Bruce stadium—

Mr Smyth: Where are the charges?

MR STANHOPE: There were no charges, so the Deputy Leader of the Opposition suggests that the behaviour was not illegal. You breached the Financial Management Act and you breached the self-government act. These were characterised by the Auditor-General and a number of leading QCs as major breaches of the law. This is your standard; this is your process.

Mr Humphries: I take a point of order, Mr Speaker. The question was about the standards the Chief Minister has now set for his government with respect to proper process. So far, we have heard only about other things. I wonder whether he could be asked to answer the question directed to him.

MR SPEAKER: Chief Minister, I think that Mr Humphries has raised a fair point. You have raised some other interesting things, but if you could get to the point of the question.

MR STANHOPE: I understand, Mr Speaker, and I shall do my best to do that. I was creating a context. The question was rather bald and blunt. In talking about processes, standards, ethics and morality it is important, because some of these standards are relative, to understand the standards of the Liberal Party in relation to each of these issues so that I can then extrapolate and give some indication of the new standard of integrity and morality that will apply. Of course, it is not the standards that applied in relation to the hospital implosion, it is not the standards that applied in relation to the Hall/Kinlyside proposal and it is not the standards that applied in relation to Bruce stadium. It is a standard of good government.

There is a standard and the public service, through the Public Service Commissioner, is working assiduously on—heaven forbid and shock, horror—a review of all of these issues. He has actually released a number of discussion papers already. I hope that you will be contributing to them, because you have much to learn.

MR HUMPHRIES: I have a supplementary question, Mr Speaker. If the standard you have set is not an impeccable standard, Chief Minister, what is it? Can you tell us what the new standard operating under the Stanhope government might be with respect to those issues about due process?

MR STANHOPE: I think it is interesting that the Leader of the Opposition has taken a defensive position here in terms of standards.

MR SPEAKER: I think it is hypothetical.

MR STANHOPE: It is hypothetical, of course, but I will just give a brief response. We have high standards and they are standards that we will stand by.

Mr Humphries: But what are they?

MR STANHOPE: I will illustrate the sorts of things we will not do. We will not steal people's mail. We will not hack into people's computers. Those are the sorts of standards that we will not have.

Mr Humphries: And neither will we.

MR STANHOPE: Good. I am pleased to hear that.

Legislative Assembly—alleged security breach

MR HARGREAVES: Mr Speaker, my question, through you, is to the Minister for Police, Emergency Services and Corrections. Can the minister confirm that the police are investigating a complaint made about a possible security breach in the Legislative Assembly?

MR SPEAKER: Order! Can I intervene at this stage. I would like members to be cautious about the words they choose on a matter which is the subject of investigation by police, in order that we avoid to the fullest extent possible anything that might prejudice those investigations. I offer that as a warning, not because I intend to prevent these sorts of questions arising—I cannot invoke the sub judice rule because there are not any matters before the courts. But I raise that precautionary note in respect of any questions that members may wish to ask in relation to the matter, or indeed any answer. Mr Hargreaves, would you continue.

MR HARGREAVES: Thank you very much, Mr Speaker. I welcome your advice. I am concerned for the integrity of the parliamentary process. I have a further question for the minister. Can the minister say what is the nature of the complaint and what action the police may have taken?

MR QUINLAN: Mr Speaker, I do not intend to go into detail at all. I just want to advise the house—and I thank Mr Hargreaves for the opportunity to do so—that some days ago, and only days ago, I received advice that there had been an apparent breach of security in the electronic communications to the office of a government minister. I have to say that sometimes it takes a little time for the gravity of such situations to register, and it did take a few minutes for the seriousness of this particular matter to sink in.

In the four years that I have been in this place I have come to appreciate that transgression against privilege that attaches to a parliament and its operations is the most serious of matters. I have been assured that the appropriate notifications have been made to you, Mr Speaker, to our IT provider agency and to the police. As you have advised the house, the police are investigating this matter and I have been assured that the investigation will be thorough.

As police minister, I apologise to members who may be inconvenienced in any way and who had no knowledge of this matter until today. However, I will insist upon the most thorough of investigations.

Representation of women in cabinet

MS DUNDAS: My question is for the Chief Minister. Chief Minister, as we have seen, Mike Rann, the Premier of South Australia, announced that there will be four women in his new cabinet, and they were sworn in today. What plans do you have to allow women into the cabinet here in the ACT?

MR STANHOPE: I thank Ms Dundas for her question. I assume, Ms Dundas, that was a job application?

MR SPEAKER: Do you have a supplementary question, Ms Dundas?

MS DUNDAS: I do have a supplementary question. I am shocked by the brevity of the Chief Minister's answer. Minister, do you find it concerning, notwithstanding the jokes, that you are the only male minister for women in Australia?

MR STANHOPE: Yes, Ms Dundas, it is incongruous. It is something that I regret, and it is something that I hope will be rectified at some stage, just as I sincerely hope that, at the next election, more than 50 per cent of this Assembly will be women. I think it is something that we are all concerned about, and something at which we are all working hard.

On behalf of my party, the Australian Labor Party, I have to say that this is an issue that we take particularly seriously. Our branch of the Labor Party, the ACT branch, is, I think, the first branch of the mainstream political parties to insist, through its rules, that at least 50 per cent of all public positions within the party be held over for women. Affirmative action will apply to ensure that at least 50 per cent of all public positions and all office holders are potentially available for women. That is something of which we are particularly proud.

Of course, here in the ACT we have a particularly proud record in relation to the appointment and election of women to significant positions within the party: the first woman head of government in Australia, the first woman Speaker in Australia, at the moment two-thirds of our federal representation are women—very, very significant.

Mr Stefaniak: That's not true.

MR STANHOPE: Annette Ellis and Kate Lundy: we have three federal seats and two of them are occupied by women. We have significant achievers. At the moment, the president of our party is a woman. Throughout the sub-branches of our party, significant numbers of the positions within each of the executives, and probably in all of them, at least 50 per cent are held by women. The makeup of this Assembly is testimony to this as well but, for whatever reason—and a range of reasons have been put forward—women within the Labor Party, as with the Liberal Party, have not been as successful in gaining election to this Assembly.

I do not know whether that is a particular feature of the Hare-Clark system. Some people suggest that it is. I think there are certain aspects of Hare-Clark that perhaps do impinge on the capacity of women within the major parties to gain election. It certainly does not impinge on their ability to gain preselection, as far as the Labor Party is concerned. As I said, we in the Labor Party have an affirmative action policy which ensures that at least 50 per cent of all our candidates are women. Of course, under Hare-Clark, it is not a question, as it is in other jurisdictions, of perhaps nominating women for safe or winnable seats. Under a multimember electoral system such as Hare-Clark, that is simply not a consideration.

We went to the last election, as we did to the election before, with 50 per cent, or as near as, of our candidates being women.

Ms Dundas: I have a point of order. My question was specifically related to women in the cabinet, not about women in the electoral process of the ALP; so, while I find this information fascinating, I would ask for relevance, Chief Minister.

MR STANHOPE: I actually thought that Ms Dundas was interested. I had always assumed that members would be interested in context, and I was providing some context. I think it is perfectly relevant to reflect on the fact that, in the last Assembly, to our great regret, there were no women in the Labor caucus, none. It is to the benefit of the Assembly, it is to the benefit of my party, it is to the benefit of the government, that we do have in the caucus—in this government—two women. It is a significant advance. We have made great inroads. Two of the eight: we have gone from none to 25 per cent. It is a great advance, and something about which we are particularly pleased and proud.

We do have, of course, within this place, two extremely good members in the two women who are now members of this government, and I have no doubt that each of them will in time be a cabinet minister, and an extremely good cabinet minister. It is quite likely that one or both of them will one day lead the party.

Public service

MR CORNWELL: Mr Speaker, my question is to Mr Stanhope in his capacity as Chief Minister and specifically as minister responsible for the assiduously working public service. Mr Stanhope, are you aware of any failure of the public service to follow due process since you took on the responsibility of Chief Minister and therefore of the public service?

MR STANHOPE: No.

MR CORNWELL: Are you aware of any appointments that have been made since you took government that have not followed due process?

MR STANHOPE: I am not aware of any appointments that did not follow due process. If you have some advice, Mr Cornwell, that an appointment has been made that did not follow due process, I would be very interested to hear about it. I have a feeling that you have more access to our mail than we do. It may be, indeed, that you know more than I do. It may be that you have been reading more of my mail than I have myself.

Mr Humphries: On a point of order: to suggest that a member has read the mail of another member is a serious allegation. It would suggest illegal conduct, and as such it would fall outside standing orders. It would be under "improper allegation" in the standing orders. I ask that it be withdrawn.

MR SPEAKER: Mr Stanhope, would you withdraw that remark.

Mr Cornwell: I would certainly like it to be withdrawn. A gentleman does not read other people's mail, Mr Stanhope.

Mr Corbell: You are not in the company of gentlemen.

Mr Cornwell: I know that!

Mr Smyth: Mr Corbell's imputation is outside the standing orders. Under No 55 he should withdraw.

MR SPEAKER: One at a time.

MR STANHOPE: Mr Speaker, I was about to withdraw what I said that aggrieved my dear friend Mr Cornwell in the way that I apparently had, which was of course not my intention.

Mr Smyth: Under standing order 55, Mr Corbell must withdraw his comment as well. He made a comment about not being in certain company and he should withdraw it.

MR SPEAKER: I did not hear it.

Mr Corbell: Mr Speaker, to clarify, I suggested that Mr Cornwell was not in the company of gentlemen, with which he agreed. But if Mr Smyth finds that offensive, I withdraw.

Legislative Assembly—alleged security breach

MS MacDONALD: My question is to the Minister for Urban Services. Can the minister confirm that the police investigation into a possible security breach in the Assembly relates to his email account? Can the minister also inform us what has been done with regard to the impact of the breach?

MR WOOD: Mr Speaker, in accordance with your words—and in any event—my answer will be cautious and careful, as I do not wish to compromise the very important police investigation currently taking place.

That caution will not allow me to express my outrage. However, it came to my notice, some weeks ago, that incoming emails were being wrongly diverted to an unauthorised person. It certainly is the case that, since late last year, I have not been receiving some of these emails.

I contacted InTACT. Subsequently, a little time later, further advice from another source was provided to the officers of the Assembly and the police were called in.

I am very concerned that the process of government should not be interfered with and that my role as member for Brindabella should not be compromised.

Suburban streets—speed limits

MS TUCKER: My question, which is directed to the Minister for Urban Services, relates to the current trial of a 50-kilometre an hour speed limit on residential streets. Minister, you would be aware that when the former Liberal government set up this trial they excluded the main residential streets though suburbs from the 50-kilometre an hour speed limit. We thus have the confusing situation of signs erected on the main streets into suburbs saying that the area is a 50-kilometre an hour speed zone being immediately followed by a speed sign saying 60. Many of the streets left out of the current trial are the busiest streets in a suburb on which shops, parks, schools and churches may be located. These streets are well used by the elderly, children and cyclists for whom traffic accidents can be devastating.

The National Road Transport Commission has estimated that zoning urban streets in Australia at 50 kilometres an hour will produce an increase in average journey times of 11 seconds because travel times through suburbs are more dependent on the need to stop or slow down at intersections or slow down for curbs, or because of traffic congestion.

Given that this increase is virtually negligible, why don't you simply zone all streets through suburbs as 50 kilometres an hour and so reduce confusion about speed limits and the potential for deaths and injuries on our roads?

MR WOOD: Ms Tucker firstly asked if I was aware of confusion resulting from new signs—a 60 and then a 50—being erected on streets. Certainly, I was aware of that confusion and I remember making some comment about it.

I support the trial and this government supports the trial. I did indicate to one community group that I would consider whether we should trash the trial and go immediately to a 50-kilometre per hour standard throughout suburbia in the ACT. I did give consideration to that but I rejected that approach. So I will not abandon that trial.

I think there is a good deal of information yet to be gained. In particular, we have to make some assessment of whether there are fewer crashes now, and I suppose that may ring some bells too. But we have to assess the whole situation. We did report as an interim measure that the average speeds have dropped just a little—by under 2 per cent, which I said was modest but encouraging. I might say that I wish it was more encouraging. I still think "modest" is the word that is most applicable.

There is an on-going process by which people may seek to have the 60 zone reduced to 50 in specific areas. That has probably been the case at any time. But certainly there is a review going on at the moment in respect of a number of streets, and that will continue. But I think it is proper to allow that trial to see out its time, make a sound evaluation of it and then make a decision on which way to go.

MS TUCKER: Mr Speaker, I have a supplementary question. In your transport policy you said:

> Reducing speed in suburban non-arterial roads in high population areas where danger spots are evident.

You said:

> The process will be undertaken in consultation with residents.

How do you propose to undertake these consultations?

MR WOOD: The prime thing we have hooked on to is the trial that is under way at the moment. I am also grateful for another body out there, Pedal Power, who are seeing that I get quite a few emails on this issue. I will maintain that close connection to see just what that community view is. A deal of mail on specific areas is always directed to the minister and we always attend to that.

Public service

MR SMYTH: Mr Speaker, my question is to the Chief Minister, as the minister responsible for the public service. According to *Gazette* No 7 of 21 February this year, a Mr Vic Rebikoff has been appointed to the multicultural unit as a full-time public servant. Is this the same Mr Rebikoff who was a candidate for the Labor Party at the ACT election?

MR STANHOPE: It took three questions to get to the point, Mr Speaker. I wondered where we were heading, down this long, meandering road.

This is a continuation of Mr Humphries' hate campaign against Vic Rebikoff. I think we recall, during the election campaign, the particular venom which Mr Humphries saved for Mr Rebikoff. We all remember it well. There was particular venom that I think each of us noticed during the election campaign.

All I can do is reiterate that I think there is probably nobody in the Canberra multicultural community more deserving of recognition in relation to commitment to multicultural issues than Vic Rebikoff. That is recognised by the multicultural community and is commented upon in that community.

I recall that, at the opening speech in relation to the last multicultural festival, Mark Tiirikainen made a special effort to ensure that Vic Rebikoff was given due recognition as the original convener of the multicultural festival—a festival which grew out of Vic Rebikoff's energy and commitment to the multicultural community here. Vic Rebikoff has, in relation to multicultural issues, a CV that is second to none. He has a record of commitment to multiculturalism and the multicultural community that is second to none.

It really is intriguing that the Liberal Party should, after the election and the dust has settled, maintain this barrage of hatred they have for Vic Rebikoff in their role in opposition. It is really a major concern that they could not put the election behind them.

The election is over. It was held on 20 October, and you lost. You lost on 20 October, and you lost by a record margin. You lost by a record margin because, in government, you did not show integrity, you did not govern well and you did not actually have regard for due process. You were not trusted by the people of Canberra, and you lost the election.

Vic Rebikoff, a political opponent of yours in that contest, has done what I guess a number of people who were not successful in that campaign have done. He has gained other employment, and good luck to him. That can only be to the benefit of the people of the ACT, particularly in the multicultural community.

MR SMYTH: I have a supplementary question. Was Mr Rebikoff appointed following the same open process as is required for all public servants as outlined in the Public Service Management Act?

MR STANHOPE: I do not have responsibility for day-to-day management of the public service. I do not know how many selection panels there are. I do not know how many panels you characters sat on when you were in government, but I will not be sitting on selection panels in the public service. Let me tell you that. I will not be sitting on selection panels in the Chief Minister's Department, or in any other department, in relation to the selection of staff who are appointed to the public service.

I honestly do not know if the proper process was followed. I was not part of the selection process for Mr Vic Rebikoff. I will leave it at that.

Mr Smyth: On a point of order, Mr Speaker: when a minister does not know the answer, the normal practice is to take it on notice and report back to the Assembly. I am wondering if the Chief Minister is doing that.

MR SPEAKER: That is not a point of order. Resume your seat.

Legislative Assembly—alleged security breach

MS GALLAGHER: My question is to the Chief Minister. Chief Minister, have you received any briefing on the allegation of a breach of computer security in the Assembly that is the subject of a police investigation? If so, what are the implications for the operation of members' offices.

MR STANHOPE: Thank you for the question, Ms Gallagher. I acknowledge that this is a matter of ongoing investigation by the Australian Federal Police and, as has been indicated by my colleagues, is a matter of the utmost gravity. It must be addressed by the police and pursued vigorously by them and is, of course, something that this Assembly must have regard to.

Some ongoing consideration of the issue by the Assembly will be necessary over and above the work that the police are doing in their investigation of the allegations, as outlined by Mr Quinlan and Mr Wood. We should consider in particular what Mr Wood says about the extent of his personal outrage at the knowledge that mail directed to him has been interfered with or may not have been received.

Mr Humphries: That is the allegation; it has not actually been proved yet.

MR STANHOPE: Absolutely—that is the concern. I have to say to Ms Gallagher that I have had the advantage of a briefing that was provided by InTACT to the Treasurer. The brief does canvass the nature of the allegations; the brief does canvass the extent of possible breaches; the brief does go into some detail about the possible nature of the alleged breach and the concerns about what may have happened.

The allegation goes to the heart of the privileges of the members of this place. Concerns about mail that had been inappropriately opened and utilised have been mentioned in another place—in relation to Ian McLachlan in the House of Representatives a number of years ago. I think of the outrage that was expressed then at the sort of conduct that has been alleged in this place.

This sort of conduct goes to the heart of the issue of the morals of acceptable behaviour, ethical conduct and honesty in our dealings with each other. The incident in the federal parliament, when McLachlan was concerned about a member of his staff opening mail that he knew not to be addressed to him and the subsequent standing down by McLachlan from the shadow ministry, highlights the significance of this issue and the extent to which it is an issue of acceptable behaviour, morals, ethics, the law and the responsibility of each of us.

It would be interesting for members of this place to hear from Mr Humphries about his response to these allegations: whether or not he or any of his colleagues or staff knew about or were involved in this matter and, if so, what steps he has taken and whether he himself, in regard to his overriding responsibility as the Leader of the Opposition, has given any consideration to whether it would be appropriate for him to relinquish his position during the police investigation. It would be appropriate for the Leader of the

Opposition to ponder those things and give serious consideration to his responsibility to his colleagues, his staff and all members of the Liberal staff.

Stanhope ministry

MRS DUNNE: My question is to the Chief Minister and relates to the love-in that the ministry held recently at Bungendore. I thank the minister for his prompt answering of my question and for providing me with the information that the cost of the two facilitators for the exercise at Bungendore was $17,323—

Mrs Cross: How much?

MRS DUNNE: It was $17,323 plus travel. Chief Minister, can you advise the Assembly what benefits accrued from this expenditure? Is it a fact that it was a belated transition-to-government exercise that you had neglected to carry out before the election and that you and your ministers were being taught at the taxpayers' expense how to govern after three months of hopelessly wallowing in the mire?

MR STANHOPE: The ministry did spend a weekend at Bungendore, coincidentally on the weekend that the Liberals went off somewhere else. It is interesting, isn't it, that we had a love-in? What did you have? Did you have a love-in or was your one a serious strategic planning weekend? Was your one a reflective mea culpa on how you lost the election, why you lost it and why you are not going to do so again? Is that what the Liberals did? It would be interesting to reflect on that. When I came back here I was so amused to see Mr Humphries looking very serious, as if to say, "We have learnt our lesson. We did not listen to the people. We will consult next time; trust us next time." That was the nature of the Liberals weekend away.

We did go away and we did utilise the services of facilitators. As I understand it, and I will confirm it with Mr Tonkin, the facilitators whose services we utilised were facilitators that were held on retainer by the Chief Minister's Department and were actually put on retainer when Mr Humphries was Chief Minister. I understand that the facilitators have a long-term contract that was entered into under the previous government, that they are held on retainer by the Chief Minister's Department. I believe that that is so, but I will confirm it with Mr Tonkin. I understand that to be the case.

Mrs Dunne, I am intrigued about this interest of yours in reviews and the cost of them. One of the irritations I have about the way in which Mr Humphries' and your concerns about the number of reviews and investigations that the government is undertaking, as reported by our friends in the media, is that they did not consider the possibility that some of the reviews were designed to save money. One of the reviews that Mr Humphries singled out for special mention on the ABC the other morning was the review into the use of cars by members. Of course, that is a matter of particular interest to you, Mrs Dunne, because your car costs the taxpayers about $300 a month more than those of the rest of us. You made application for a special car to suit your special personal circumstances.

Mr Humphries: And you approved it.

MR STANHOPE: I did, because the guidelines are so bereft and so inadequate. The review that you criticised specifically involves me asking the Chief Minister's Department to prepare a submission for the Remuneration Tribunal on members' use of cars in order to regularise this issue, in order to determine whether, in those circumstances where a member such as Mrs Dunne asks for special consideration, asks for a car that costs over and above the cost of a standard car, it would be reasonable to ask that member to pay for the privilege of having that extra special at that extra special cost, whether it is reasonable to expect the taxpayers to pick up the additional $300 that they pay to allow members to have the car of their choice.

That is what I have done. I have asked the Remuneration Tribunal to look at that issue to see whether it is fair in some circumstances for members to be asked to contribute some portion or all of that extra component for renting a particular car that suits their particular personal circumstances. Mr Humphries took exception to this review but the review is designed, basically, to ensure that things are fair.

Mr Humphries: I did not take exception to it.

MR STANHOPE: You mentioned it specifically on the Chris Uhlmann show and criticised it as a waste of money. It is not a waste of money. It is potentially designed to save money for the taxpayers and to be fair. I do not know why you are criticising that, but I can understand your being a bit sensitive about it and I can understand Mrs Dunne being a bit sensitive about it. That is why I think it is relevant that I explain the background to and circumstances of the particular review you have chosen to highlight and illustrate in that way on the ABC when you launched this attack on our reviews. That review was designed to save money, and I am sure that at the end of the day it will. But there is another review, the review into staffing—

Mrs Dunne: I take a point of order, Mr Speaker. Mr Stanhope has spoken at length about cars, but I would like him to get back to the question at hand, which was about the benefits that accrued from the expenditure at Bungendore on 9 and 10 February.

MR STANHOPE: I am happy to respond to that, Mr Speaker, but before I do I will go to one other review that the opposition has criticised. It has actually given a hit list of reviews that we have illustrated.

Mrs Dunne: I take a point of order, Mr Speaker.

MR SPEAKER: Order! I think that Mrs Dunne's point of order is valid. I think that you should come to the point of the question.

MR STANHOPE: I will come to the point, but that one will only take one minute, Mr Speaker.

Mrs Dunne: I take a point of order, Mr Speaker. If the Chief Minister wants to talk about reviews, he can do so in the adjournment debate or make a ministerial statement, but I have asked a question and—

MR STANHOPE: You asked a question about a review.

Mrs Dunne: I did not.

MR STANHOPE: You asked a question about the expenditure of money. That is one of the things on your list. You have issued a list and it is on it with the others.

MR SPEAKER: Order! Resume your seat, Mrs Dunne.

Mrs Dunne: I did not. Mr Speaker, would it help to repeat the question so that Mr Stanhope knows what he is talking about?

MR SPEAKER: No, you can spare us that. I am sure that the Chief Minister is about to come right to the point.

MR STANHOPE: I am, Mr Speaker. It was a very significant weekend and it was an important weekend in the context of this government's determination to deliver good government, and that is what we will do. We will deliver good government. We went to the last election committed to concentrating on the things that were important to the people of the ACT. We were committed to overturning some of the missed priorities and the misspending of the previous government. That is what we went to the election on.

We made significant promises in relation to health. We promised to settle the nurses dispute. We promised to hold a health summit. We have taken significant steps in relation to the implementation of the Gallop report. We have undertaken to do a myriad of things in relation to health. We are having a look at the whole structure of that portfolio, because it is quite obvious to me that there are a range of systemic issues that need to be addressed in relation to our capacity to appropriately deliver health services to the people of Canberra, accentuated by the Gallop report and the recommendations it makes. Mick Reid is looking at that structure for us and I have no doubt that that will lead to some significant recommendations. It is important in that context that we get together as a ministry, as a cabinet, as a government, with our senior advisers and with our chief executives to develop the framework and to develop the strategic plans for taking those issues forward.

Similarly in relation to planning. We discussed planning at length. The detailed plans which we have, which Simon Corbell has developed and articulated and which we are currently in the process of implementing at pace, are planning reforms that will overturn completely the way in which planning is perceived and undertaken in this town, plans that are broadly applauded by the community, by the business sector and by developers for the certainty that they will give. Those are the things we discussed and it is appropriate that we discussed them. We discussed—

Mr Humphries: We did not ask what you discussed.

MR STANHOPE: Yes, you did, and you asked why we did it. We did it in order to develop a framework, a plan, an agenda. We looked at the things that are important to this government and are important to the community. We looked at the need to address issues around disadvantage and the extent to which this government, as a government, will concentrate its energies on addressing disadvantage within this community. That is something that we will do, something that we are committed to and something that takes a fair bit of effort, energy and planning.

There are some intractable issues to be dealt with in this community—intractable issues around poverty, the fact that we have within the community 30,000 people living in poverty. We have some intractable and very difficult issues: difficult issues around substance abuse, difficult issues around how to care for our disabled people and difficult issues around mental health—and they are issues that need to be addressed, that need serious thought, that need planning, that need a strategic plan and that need an approach by us to each of them in a considered way. That is what we are doing. That is what we did. It was money well spent and it will be shown to be money well spent in the context of the changes we make.

I will conclude by informing members for their benefit of the detailed discussion we had on issues in relation to education. The fact is that the previous government was prepared to squander $27 million in a bribe to get kids to school but was not concerned about what happened when they got there. This government will not squander our opportunities in that way. We will not do that. We have a detailed agenda for addressing disadvantage and we will devote the entire $27 million to education. We will do what members opposite could not do. We will not offer these bribes. We will do it in an ordered way, we will do it in a planned way, we will do it in a measured way and we will do it successfully. We will not fall in a hole in the way that you did. We will not let down the people of Canberra in the way that you did.

MRS DUNNE: I have a supplementary question, Mr Speaker. Will the Chief Minister table for the information of the Assembly details of the expenses incurred and the names of all the people in attendance so that we can find out what expenses were incurred on top of those incurred by the facilitators?

MR STANHOPE: One of the other reviews which the government criticised was the review of staffing in this place.

MR SPEAKER: Chief Minister, I think that you should come to the point of the question.

Mr Humphries: Yes or no.

MR STANHOPE: I will give consideration to that.

Gungahlin Drive extension

MR PRATT: My question is to Mr Quinlan, as minister for sport. I refer to your comments in the *Canberra Times* of 22 February 2002 concerning the possible departure of the AIS from Canberra. You said, "This is now serious and I will become involved." I will return. Have you been participating in meetings between the AIS and PALM over the route of the Gungahlin Drive extension, and does your decision to become involved in this matter reflect a lack of confidence in Mr Corbell's ability to handle this delicate issue?

MR QUINLAN: I can actually answer those questions in reverse order, so that they do work together. I have complete confidence in Mr Corbell; therefore, it is quite easy, because of all the other things I have to do, to be involved via Mr Corbell. I have been

briefed by Mr Corbell, and I met with him. It would seem quite redundant for both of us to be involved, so I am quite happy, thus far, with my involvement with Mr Corbell and his involvement with the AIS. Thank you for the question.

MR SPEAKER: Do you have a supplementary, Mr Pratt?

MR PRATT: Yes, supplementary, please, Mr Speaker. How much will any accommodations for the AIS cost?

MR CORBELL: Mr Speaker, I will take the question as I am responsible for the direct discussions with the AIS, as Minister for Planning. These discussions are ongoing and no conclusion has yet been reached, and so I am unable to answer that question.

Gunghalin Drive extension

MR STEFANIAK: My question is to the minister for sport, Mr Quinlan. It concerns the proposed western route for the Gungahlin Drive extension through the AIS.

Mr Smyth: Do you want to ask him or do you want to ask Simon?

MR STEFANIAK: We will just see if he wants to take it. It is for Mr Quinlan at this stage, and we will just see what they do with it, Mr Smyth. Mr Quinlan, the route proposed by your colleague Mr Corbell, in addition to passing within 75 metres of the residences and child care facilities of the AIS, also passes directly between the athletics track and the back of the CIT. Being a four-lane highway, it will take up most of the car parking currently used by Canberra Stadium, the indoor arena at the AIS, and the athletics track.

What steps will your government take to ensure that there is adequate parking available to patrons of the Brumbies, the Raiders, the Cannons and the Capitals home games? Does this mean that there will have to be additional high-rise parking provided either at the western or eastern ends of the sporting precinct and, if so, what cost estimates have been received by the government for such additional expenditures, if indeed you have any?

MR QUINLAN: We haven't got that far down the track, I am afraid, Mr Stefaniak. However, I have, in the course of my involvement, taken a good look at the aerial map of Bruce. I recommend that you also take a look at just how much land there is there. I have actually been out to the AIS, and I have walked from the AIS through to Fern Hill Park and that designated area. There is a tremendous area there, and there is quite an amount of land at the north of the ground. If you want specifics about the planning of where the car park is going in all of that available space, you will have to ask planning. I think that is reasonable.

Mr Smyth: You have not done the work.

MR QUINLAN: No, I have not designed the car park.

MR STEFANIAK: My supplementary question is: have you or anyone in government had discussions with the Canberra North Rotary Club, who have managed parking at Bruce for many years, to the benefit of many charities in the ACT? I do not mind who answers that.

MR QUINLAN: I have not had discussions with the Canberra North Rotary Club, although I do know that club quite well and I have a couple of very good friends there. No, I have not discussed it with them. I would think it might be a tad premature, at this stage, when I have already said that I have not designed the car parks—which I should not do in the first place—to be deciding who is going to be collecting the money in them.

Reviews, inquiries and consultancies

MRS CROSS: My question to the Chief Minister, Mr Stanhope, refers to his comments about the cost of reviews and inquiries announced by the government over the past four months. Mr Stanhope, to date there have been at least 60 reviews, inquiries, consultancies and public service actions announced by your government. You have refused to reveal the costs of most of them, but some of the larger ones have had some figures attached to them. As an example, the minister for education, in an off-the-cuff remark to journalists last year, said that the announced review of the eduction portfolio would cost about $1 million. Similarly, the recently announced review by the IT advisory panel is expected to come in at around at least $200,000.

Minister, how do you reconcile these amounts with your statement yesterday that the total cost of all reviews which you have announced to date—and there is no guarantee that this is the end of them—will be less than $1 million?

MR STANHOPE: I thank Mrs Cross for her question because I can talk about reviews now without interruption.

MR SPEAKER: I think it is open for you to talk about reviews.

MR STANHOPE: I am bending my mind to this issue of reviews and their costs. You have concentrated my mind on this. It has occurred to me that we are going to save money on the review in relation to Mrs Dunne's car, and the extra expenses we are all paying.

It just occurred to me as well that one of the other issues that I have a particular interest in looking at concerns issues within this place in relation to staff and administrative costs, in order to ensure that we as members are better able to pursue our responsibilities. I take on board your objections and your complaints about the cost of some of these things, and I have just worked out how we can save some more money. Of course, I will take your objection to the government looking at some of these issues as a determination that you do not wish to be involved in the review in relation to staffing and administrative expenses within the Assembly. I will take that as a nil response and I will have the terms of reference adjusted and the review will now only look at the needs of the government and the crossbench.

Mrs Cross: Mr Speaker, would you like me to ask the question again. I would just like an answer to my question.

MR SPEAKER: What is your point of order, Mrs Cross?

MR STANHOPE: I am answering the question.

Mrs Cross: No you aren't. The question was: how do you reconcile these amounts with your statement yesterday that the total cost of all reviews which you have announced to date will be less than $1 million? I would just like you to answer that question, please, Chief Minister.

MR SPEAKER: I think Mrs Cross is raising a point of order in the context of standing order 118.

Mrs Cross: Thank you, Mr Speaker, I was.

MR SPEAKER: I am happy to give you that guidance.

Mrs Cross: I am grateful for that guidance, Mr Speaker.

MR SPEAKER: I am happy to give it any time. But the point is that you did raise the question of reviews and I think the Chief Minister is entitled to mention them.

MR STANHOPE: So take it as given that the opposition, the Liberal Party, wishing to exclude itself from this costly review and exercise will not be included in the review. Take that as given and I will look at the needs of the executive, the government and the crossbench, and there is a significant saving that we can also potentially make.

There really is a nonsense in the opposition pursuing this particular issue and I think we do really need to put it to bed. Some of the issues we are looking at are issues that I have raised before. We have one in regard to Anne Cross. This is one of the issues which are obviously of concern and I am happy to give the information that the member is looking for. Anne Cross is a noted Australian expert in the area of disability services within Australia. We have engaged her services to advise on the work we are doing in relation to our response to the Gallop report.

In the context of that and overarching that we have engaged Mr Mick Reid, the immediate past director-general, now an adjunct professor at the University of Sydney, in relation to health, to advise us on structural issues and governance issues around the department of health. These are significant issues and, at the end of the day, they will have significant implications for people in this community with a disability.

We looked through the Gallop report—we looked through the eyes of the Gallop report—at your government's response to disability issues and wasn't it very interesting to read the article by Jenny Stewart in the insert in the *Canberra Times* this week about the previous government's attitude to Gallop and its preparedness to accept responsibility for disability services. In other words, it was not prepared to accept any responsibility.

One can extrapolate in relation to this. Because of your failures as a government, your failure to do the work that you should have done, you initiated the Gallop report. What did the Gallop report cost us? The Gallop report cost us $1.7 million. Why did we have

an inquiry of the nature of the Gallop inquiry? We had the report of the board of inquiry into disability services because of your failings.

Mrs Cross: Mr Speaker, I seek you guidance.

MR SPEAKER: Order! I think Mrs Cross is raising a point of order.

Mrs Cross: Mr Speaker, I would just like an answer to my question regarding the cost of all the reviews. Will they be less than $1 million? That is all I would like to know.

MR SPEAKER: I am sure the Chief Minister is coming to that.

MR STANHOPE: Certainly, I am. And how do you measure the cost of inquiry? How do you measure the cost benefit? What would have been the cost benefit of an inquiry into the hospital implosion conducted and undertaken by an expert? What would we have saved had you done the work, had you had an inquiry, had you had a review, had you engaged an expert before you blew up the hospital? What would have been the consequences of your doing that work? How do you measure the costs? How do you measure the cost of the fact that you didn't do the work that you should have done in relation to the hospital implosion? The fact is that it has actually cost us over $3 million in legal expenses, not to count the enormous tragedy of that particular event. How do you cost that? What cost are you talking about? Let us cost—

Mrs Cross: Mr Speaker, I refer to standing order 118. Could I just have an answer to my question please.

MR SPEAKER: Mrs Cross has raised a point of order. Could I clarify this. A fairly pointed question about reviews was asked and I think the Chief Minister is entitled to expand upon the issue. If you ask these questions you have to expect that there is going to be a little bit of feedback from the people you asked the questions of. However, I think the point you raise in relation to standing order 118 (a) has some validity, to the extent that I will now ask the Chief Minister to be a little bit more concise and to the point.

MR STANHOPE: Thank you, Mr Speaker. I will just give one more example and then I will draw the answer to a conclusion. I will, of course, use the example of the Bruce stadium. We know through the 14 volumes of Auditor-General's report into Bruce stadium that the previous government, this opposition, the Liberal Party, didn't do the work. We know they didn't do the reviews, we know they didn't engage the experts, we know they promised to spend $12 million and we know it cost us $100 million.

Mrs Dunne: Mr Speaker—

MR STANHOPE: So let us talk about the cost. How do we measure the cost?

MR SPEAKER: Mrs Dunne has a point of order. Resume your seat please, Chief Minister.

Mrs Dunne: Mr Speaker, I draw your attention to standing order 62, which relates to tedious repetition.

MR STANHOPE: That is my last example, Mr Speaker. I will draw the answer to a conclusion. But how one measures the cost does bear thinking about. You cannot just say it is going to cost this much and have no regard to the benefits or the consequences.

The fact is that the Liberal Party did not engage the appropriate experts, did not do the appropriate reviews in relation to Bruce Stadium, came into this place and promised to spend $12 million and then spent goodness knows how much and broke the law—I think the Auditor-General says that—and it is costing us $5 million a year still.

Mr Smyth: Are you sure?

MR STANHOPE: Absolutely. I believe that it is still costing us $5 million a year into perpetuity. That is the legacy you have left us. So let us measure the cost of that.

To wind up, in relation to many of the issues that are occupying the mind of the opposition—their concern that we are getting on with the job, that we have got the runs on the board and we are producing—many of the things that we are doing are things that we took to the election. Mr Corbell is undertaking reviews in relation to education. We mentioned in the election campaign that we would be doing this.

Mrs Cross: Mr Speaker—

MR SPEAKER: Order! Resume your seat, Chief Minister.

MRS CROSS: Mr Speaker, I ask a supplementary question. If the Chief Minister cannot measure the cost of your reviews, then how can you give your assurance that they will cost less than $1 million, which you are quoted as saying?

MR STANHOPE: We will not engage in the sorts of activities that the previous government engaged in. You can be sure of that. The enormous costs that the Liberal Party bequeathed to this community are shown in the examples that I used: the examples of the hospital implosion, and let us not just think about the dollar cost of that; and the enormous cost that we have all had to bear in relation to Bruce stadium—as I have just said, $5 million recurrent probably forever.

I ask that further questions be placed on the notice paper.

Vocational education

MR CORBELL: Mr Speaker, yesterday Mr Pratt asked me a question relating to vocational education and the need to seek union approval when undertaking student placements with industry. I took the question on notice and am happy to clarify the issue with Mr Pratt.

There is provision for union involvement in vocational education and training in schools in the ACT. I stress to members that this is a longstanding arrangement that has gone on for many years, including when the previous government was in office.

Fortnightly, my department advises the relevant unions of all student placements in both the work experience program and the school to industry program. The work experience program is aimed, primarily, at high school students and exposes them to a work environment. The school to industry program provides college students enrolled in vocational courses with the on-the-job component of their learning.

The advice to unions provides them with an opportunity to alert the department to any potential occupational health and safety risks or possible industrial issues. Over the last few years, unions have only rarely felt the need to become involved in this way.

There is also a place for a union representative on the capital region school to industry task force. This group manages the use of Commonwealth funds, provided through the enterprise and career education foundation, to foster structured work placements via the school to industry program.

The unions also have an opportunity to participate in vocational education in the schools program, through their membership of the ACT industry training advisory boards, or ITABs. ITABs provide a conduit between the ACT government and industry for training matters. Finally, there is provision for union representation on both the board of senior secondary studies and the vocational education and training authority.

Gungahlin Drive extension

MR CORBELL: On 21 February this year, Ms Tucker asked me a question about the Gungahlin Drive extension, associated environmental impact assessment and preliminary assessment.

In answer to Ms Tucker's question, in 1997 a preliminary assessment, or PA, was prepared for the proposed John Dedman Parkway, now known as the Gungahlin Drive extension. This PA provided an impact assessment of a number of route alternatives, in four broad corridors, for the Gungahlin Drive extension, including a corridor to the west of the AIS. Although the western alignment was evaluated during the 1997 PA process, the preferred western route is likely to differ in its final alignment to an extent that will warrant the preparation of a further preliminary assessment.

I was asked if I was legally required to have a new preliminary assessment done. Under appendix 11 of the Territory Plan, a mandatory preliminary assessment is required for all proposals for construction of a new major road.

At this stage, a PA has not been formally triggered. Currently, engineering and environmental studies are being undertaken which will form the basis of not preparing the PA. The environmental studies are being undertaken by David Hogg & Associates, environmental consultants.

The objectives of the study are: to complete an evaluation of environmental issues on the western alignment for the Gungahlin Drive extension between the Barton Highway and Belconnen Way/Caswell Drive intersection; to be a reference document for the route selection process; and to be used to prepare a PA under the land act. The work undertaken during this study will be considered and used to inform subsequent

consultation with stakeholders. The PA process is a formal statutory community consultation requirement.

David Hogg and Associates have already undertaken a similar study covering the area of duplication of Caswell Drive. Some environmental constraints were identified in an engineering feasibility study on the upgrading of Glenloch interchange by SMEC Australia Pty Ltd. The findings of this study will be taken into consideration with the findings of the environmental study brief, which I am happy to table today for the information of members. Both environmental studies will be taken into account in assessing the effects within the corridor from the Barton Highway to the Glenloch interchange.

In addition, Environment ACT is providing David Hogg and Associates with information on the ecological resources to be found in the vicinity of the western corridor for the proposed Gungahlin Drive extension.

I am also happy to table for members the study brief for the engineering feasibility study for the proposed western route of the Gungahlin Drive extension.

I present the following paper:

> Gungahlin Drive Extension Western Alignment—Study Briefs—
>
> Evaluation of Environmental Issues (Brief No AC 01-11), dated January 2002
> Engineering Feasibility Study (Brief No AC 01-09), dated November 2001.

Public service

MR STANHOPE: Mr Speaker, I have been given some information to expand on the answer to three questions I was asked before.

I am advised that the job that Mr Vic Rebikoff applied for in the public service was advertised, in the normal course of events, in the *Canberra Times*. I understand that a merit selection panel was appointed, in the normal course of events, and that the selection panel met, interviewed and selected Mr Rebikoff on merit. That is the advice I have—that there was an advertisement, there was a merit selection panel, there was a process and Mr Rebikoff was selected on merit. I guess that, having regard for his CV, that is not surprising.

I conclude by saying the tawdry attack by the Liberal Party on Mr Rebikoff in this way contrasts very significantly with the approach adopted by Mr Wood and this government in re-appointing Winifred Rosser to the Tuggeranong homestead authority. However, we did that graciously, we did it appropriately, and we did it on the basis of merit.

What a pity we extended the courtesy to Winifred Rosser of re-appointing her to the Tuggeranong homestead authority. Look at this tawdry, insulting, defamatory attack that you are launching on an ex-Labor Party candidate! You should be ashamed of yourselves!

Legislative Assembly—alleged security breach

MR HUMPHRIES (Leader of the Opposition): Mr Speaker, I ask for leave to make a statement regarding the allegations of misconduct with respect to the use of emails in the Assembly.

Leave granted.

MR HUMPHRIES: It has been brought to my attention, in the last few days, that a federal police inquiry is in progress into allegations of misconduct in relation to email use by one member of the staff of the Liberal opposition. The staff member in question has stood aside as a result of those allegations being made. The office of the staff member concerned was, today, subject to a search, pursuant to a search warrant executed in the Assembly.

Before the warrant was executed, I was advised of the desire of the police to execute such a warrant. I consented to that, and was quite happy for that to occur, in order that the investigation that had been commenced was able to proceed.

I have informed the federal police that all members of the opposition fully support the investigation and will actively facilitate the process in any way possible. I had no prior knowledge of the alleged misconduct before this investigation began. The opposition does not condone inappropriate use of email—or any other information or communication device.

A number of suggestions or comments have been made in respect of this matter which, I think, need to be debunked. A suggestion has been made that there has been an investigation into a liberal MLA. The police have confirmed that that is not the case. A suggestion was made that there has been a raid on an Assembly office. That is also not the case. A suggestion has been made today, in the course of these sittings, that hacking into somebody else's computer may have occurred. I have no information and have heard no any suggestion to support that contention.

Mr Speaker, I reiterate that the opposition views any question of a breach of the law with respect to emails as a matter of great gravity and seriousness. It believes that such matters should be properly investigated, and anybody who is found to have committed an offence appropriately prosecuted.

If it is found that such behaviour by members of the opposition has occurred, any suggestions which one might glean, from the nature of comments made in question time today, that there has been any tacit or overt approval for such behaviour by me as opposition leader, are quite false. I categorically reject them, and I indicate again that this opposition will cooperate with the investigation being conducted in this place.

Personal explanations

MRS DUNNE: Mr Speaker, I seek to make an explanation under standing order 46.

Leave granted.

MRS DUNNE: Mr Speaker, during question time today, the Chief Minister made reference to his approval for my vehicle, which is part of the package of being a member. I place on record the process that was gone through before I asked the Chief Minister for his approval.

I was aware that there had been precedents for non-standard vehicles to be allocated to members. I raised the possibility with the secretariat staff, who assisted me to look at the options. We considered all the options, and I chose the no-frills option. It was a manual car, the indicative cost of which, as provided by Totalcare Fleet at the time, was $39 more than the band for a standard car.

Armed with this information, I approached the Chief Minister for permission to obtain a non-standard vehicle. In the interregnum, while waiting for the Chief Minister to reply, I inquired of secretariat staff whether it would be possible for me to obtain such a vehicle and pay the difference myself. At that time, I understood the difference to be $39, but it turned out to be more than that. I was told that I could not pay the extra cost and that, even if I did, I still needed the permission of the Chief Minister to obtain a non-standard car.

MR HUMPHRIES (Leader of the Opposition): May I also make a statement under standing order 46, Mr Speaker?

Leave granted.

MR HUMPHRIES: There were two matters mentioned in question time today. The Chief Minister says that I had a hatred of Mr Rebikoff. I have known Mr Rebikoff for a number of years, Mr Speaker, and have a high regard for the man. I have no animosity towards him, on a personal level, at all.

It was also suggested that I had singled out, for criticism, the review of MLAs' vehicles. It was stated that I took exception to that review and that I had said it was a waste of money. I have said none of those things, Mr Speaker.

Lease variations and change of use charges

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, for the information of members, I present the following papers:

> Land (Planning and Environment) Act—
>
> Schedule of Lease Variations and change of use Charges for the period 1 October 2001 to 31 December 2001.
>
> Schedule of Leases granted for the period 1 October 2001 to 31 December 2001.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement must be tabled in the Legislative Assembly, outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land.

The schedule I now table covers leases granted for the period 1 October 2001 to 31 September 2001. I am also tabling two other schedules. These relate to lease variations approved and change of use charges imposed for the same period.

I have also tabled, for the benefit of members, a copy of the leases granted, in October 2001, to the Queensland Investment Corporation (QIC) under disallowable instrument No 228 of 1997. The leases were granted to enable consolidation of the blocks in the Canberra Centre area.

Block 1 Section 79 City; Blocks 1-3 Section 83 City and Blocks 1-10 Section 82 City, containing a total area of approximately 6,153 square metres, were sold to Queensland Investment Corporation for $1,265,000, being the market value of the land determined by the Australian Valuation Office.

I have also tabled a copy of the lease that was granted to the ACT Racing Club Incorporated for Block 14 Section 71 Lyneham, for the purpose of additional training and stabling facilities.

Mr Speaker, in late 1997, BRL Hardy Ltd was given an incentive package for their proposal to establish a vineyard and winery in the ACT. The assistance package included the provision of a site of eight hectares on which a tourism facility could be developed. The preferred site identified by BRL Hardy included vacant land and Block 8 Section 71 Lyneham, which, at that time, was leased by ACT Racing. ACT Racing subsequently agreed to surrender the lease in exchange for the grant of a lease over another block.

The Australian Valuation Office has determined a current market value of $140,000 for Block 14. It is considered that the cost of works should be deducted from this, to enable the land to be offered at the same level of access and services as the block surrendered by ACT Racing. Taking these costs into account, the land has been offered to ACT Racing at no cost.

Australian Industrial Relations Commission—safety net review 2002

MS GALLAGHER (3.42): I move:

> That the Legislative Assembly:
>
> (1) support the recent submission by the ACT Government as part of the Safety Net Review 2002 undertaken by the Australian Industrial Relations Commission; and
>
> (2) congratulate the Government on its intervention in this important area of social policy in support of achieving a real living wage for working families in the ACT.

Mr Speaker, it is with pleasure that I introduce this motion to the Assembly. I congratulate the Minister for Industrial Relations, Mr Corbell, on his work on the ACT government's contribution to the submission of the joint Labor governments to the safety net review 2002 by the Australian Industrial Relations Commission. This is also commonly known as the living wage case.

Ninety-eight per cent of ACT workers are covered by federal industrial laws and by decisions of the federal arbitration commission. This means that the living wage case decision will have a huge impact on thousands of families in Canberra. These workers will gain immediate access to the safety net adjustments, if the case is successful. The ACT government's support for the $25 a week increase is another example of this government caring about our local community and taking steps to address some of the disadvantage experienced by the lowest paid workers in our community.

The review of the minimum wage levels has been promoted by the Australian Council of Trade Unions—the ACTU—to achieve wage justice at a time when the numbers of working poor in Australia are increasing. This moderate, responsible and absolutely necessary campaign aims to secure an extra $25 a week for workers earning as little as $10.88 per hour.

This is the sixth living wage case brought to the commission by the ACTU since the 1996 regressive changes in industrial relations. It is worthwhile looking at the guiding principles of action on which the ACTU bases its claim.

The ACTU submission argues the claim for the $25 a week increase is based on the following criteria: a moderate safety net increase will have a minimal impact on inflation, moderate wage increases do little or nothing to diminish job prospects, employees on low wages experience difficulties making ends meet and affording what are generally considered, by the broader community, to be basic necessities. Whilst safety net adjustments are not perfectly targeted to meeting the needs of the low paid, they assist in meeting those needs.

The joint Labor submissions accept these principles. However, in the six years of Liberal government nationally, employer groups and the federal government have opposed the claims, without ever daring to refute the validity of the criteria used. I can only imagine this is because there are no legitimate grounds to refute these principles.

This campaign has been prioritised by the state Labor governments, as evidenced by their joint submission, and should be an urgent priority for the Howard Liberal government. Disappointingly, the federal Liberal government has shown in its submission—lodged last Friday—that it will not support the ACTU's claim for $25. This is no real surprise. Over the term of its office, the federal government has argued consistently that Australia cannot afford pay rises for ordinary workers.

Time and time again, the federal Liberals have denied the needs of Australian workers, allowing the numbers of the very wealthy in Australia to increase, whilst at the same time allowing the numbers of working poor to increase. Australia has become a society of haves and have-nots. Our society is marked by growing income inequality, driven by a welfare reform and industrial relations agenda captivated by deregulation and downsizing.

Under the federal government's social agenda we have seen major assaults on the welfare state and trade unionism, with devastating results. We have also seen Australian workers subjected to the GST and other associated costs, which impinge on the standard of living of many, and the community as a whole.

John Howard promised that no Australian worker would be worse off under the GST. The facts and figures of the living wage case show the reality of life under the Liberals—and the lies the Liberals continue to peddle. The federal government's submission to the IRC suggests that low paid workers will be better off, if a system of tax credits is introduced. This is in preference to accepting a flat dollar increase. Some could argue that this indicates, on the Commonwealth government's behalf, acceptance of inequality in the current tax regime and inequity in current wages outcomes.

Whilst there may be some benefit in looking at ways tax credits may assist lower income families, it cannot be used in isolation. To use the words of Greg Combet, secretary of the ACTU:

> Tax credits are not an alternative to decent minimum wages. Australians need decent minimum pay rates as well as a decent tax system.

One of the problems with the federal government's submission is that it supports a meagre wage increase of $10—hardly an amount that will impact on a family's weekly budget—whilst promising to look at introducing a tax credit system. That may or may not, if introduced in the future, be a benefit to low income workers. It is unlikely that this will assist families in 2002.

It is no surprise that some employer organisations are backing the federal Liberals and argue that $25 is too much to pay. Some of them agree to a $10 per week increase but some, like the AHA, argue for a wages freeze.

Mr Speaker, workers in this country deserve a wage system which, at the very least, allows people to live above the poverty line. They deserve a wage system which allows them the freedom and flexibility to make life choices without fearing impoverishment or family and social dislocation.

This wage increase is needed. If achieved, workers would receive a $25 increase above the minimum wage, which is currently just over $400 per week. For workers trying to raise a family on this wage, this increase is desperately needed. I do not imagine that anyone in this room would be willing to live on $413.40. They would be unable to raise their families on that amount, without significant difficulties.

The relevant legislation guiding this case is the Liberals' own handiwork—the Workplace Relations Act 1996. Section 88B (2) of the Workplace Relations Act provides that the Industrial Relations Commission must ensure that a safety net of fair minimum wages and conditions of employment is established and maintained. In executing this function, the commission must look to the need to provide fair and minimum standards for employees in the context of living standards generally. They must consider economic factors, including productivity and inflation, the desirability of attaining a high level of employment; and, when adjusting the safety net, the needs of the low paid.

In respect of the Australian economy, I quote the federal Treasurer, Mr Costello, on the release of the December quarter inflation figures. In December 2001, he said:

> Over the first three quarters of 2001, Australia's economic growth was around five times higher than the average growth for the G7 economies ... Despite risks to the Australian economy from the global economic turmoil, the early signs for the Australian economy in 2001-2002 are very encouraging.

Mr Speaker, the federal government should have supported this claim. The economy is performing strongly, but it is still leaving many Australians behind.

At this point, it is worthy of note that the federal Treasurer last year reportedly had a pay rise of $129 per week, and the income of the senior executives of some companies soared by 25 per cent. While the wages and salaries of ordinary workers are held down in the interests of sustaining profits and economic growth, we have seen awards for chief executives move beyond reasonable outcomes.

I would like to remind the Assembly of the situation for many workers here in the ACT. The aged care industry, like the childcare industry, is one of the most socially important and economically undervalued fields of employment in the territory. The situation these workers are in would be substantially alleviated by the living wage case. They work hard, they are a social asset, yet they are severely underpaid.

One of my constituents, Julie, is an aged care worker who is employed on a permanent part-time basis on a wage of only $530 a fortnight before tax. She is one of the many voices the federal government needs to listen to. Julie says:

> In the position I'm in I have to work two jobs to make a living. I will support it [the living wage case] because our industry is so badly paid.
>
> The claim is moderate because the hourly rate we're currently receiving is so low. $25 a week is equivalent to 2 hours extra work a week. It will make life easier for a lot of us, especially with kids.
>
> Throughout the industry all employees are badly paid and all are working two jobs. The nurses are badly paid and so are we. We shouldn't have to work two jobs a week.

I could not agree more with Julie's concerns. Minimum wages are being suppressed and, at the same time, there are rises in the cost of living. For example, fresh food is up 10.3 per cent; bread is up 5.1 per cent and car running costs are up 5.1 per cent.

Concern about a fair go for all involves everybody. Serious income inequality affects our community economically, culturally and socially. Income inequality creates social dislocation. It breeds division and can fuel anger and frustration. It has impacts on health and the school achievements of children, and can severely impact on access to opportunities later in life.

There can be no doubting that these social issues require a broad focus on education, training, housing, childcare and other government facilities. However, material wellbeing must also be sustained through wages growth. Criticism of wage levels should be part of the criticism of the Liberals' cutbacks in unemployment benefits. Concepts like mutual obligation have also undermined the legitimate needs of worthy people.

The ACT economy and the Australian economy are in a good position to support this wage rise for those most deserving and needy. In the ACT alone, our economy is still growing, and consumption has increased. By every economic indicator, both in the national arena and the states and territories, there can be no excuses for not allowing this rise in the living wage. I am very hopeful that the commission will rule in favour of the ACTU case.

It is very disappointing to see that the federal Liberals will not support the claim. Their rhetoric of fairness for all and support for battlers, which has worked so well for them over the past three years, is not being applied when they are asked to support moderate wage increases for the lowest paid in the community.

By supporting this motion, the ACT Assembly will be supporting the rights of low income earners to receive a better living wage. If achieved, this will not, by any means, alleviate the financial and social disadvantages endured by low income earners but it will provide them with some relief.

I commend this motion to the Assembly and I seek members' support for it.

MR PRATT (3.56): Mr Speaker, I wish to speak against the motion. In response to Ms Gallagher, I put on record the following points: The ACT Labor government has joined with the other Labor states to support the ACTU submission to the Australian Industrial Relations Commission for a $25 per week increase in all award rates. At least that is how I understand it. This claim is simply economically irresponsible. It is much higher than the current wages growth of about 3½ per cent. It would add immeasurably to labour costs, when the superannuation guarantee is due to increase from 8 per cent to 9 per cent in July 2002.

This means, Mr Speaker and members, an increased burden for small business and family businesses in the ACT. Ms Gallagher has probably not taken that into account. That is not a criticism. I am just saying I wonder whether all of the macro issues have been considered in this particular exercise.

The Commonwealth government has a counterclaim before the commission of a $10 per week safety net increase for the lowest paid employees. This is an increase which should be made available to award rates, up to and including the tradesperson's rate of $505.02 per week, under the Metal Industries Award.

If this much more intelligent submission succeeds, it means that instead of sending family businesses broke, wages for low paid workers will have increased in both dollar and real terms. Up to 1.8 million workers across the country will have benefited in the last six years. That, of course, means a significant number of workers in the ACT will have benefited from that initiative.

State Labor governments are falling into line behind the ACTU and supporting the $25 a week increase. This is not a responsible approach. Instead of congratulating the ACT government, Ms Gallagher might want to think about the small, often struggling, ACT businesses her motion will condemn.

We, here in the ACT, should no longer be satisfied to be merely a public service town. We have been trying to grow our small business enterprises. To support this motion, to congratulate the government on its initiative, is a step in the wrong direction. Congratulations of government, by government, for what government should do anyway is perhaps a bit contrite.

Further, I would stress that the previous government had put in place the poverty task force, and now the government has its reports. If the government takes notice of the reports coming out of that, then we will ensure that nobody is disadvantaged. In fact, the previous government was extremely compassionate, as Liberal governments are intrinsically capable of being.

Uncompassionate administration is when Labor governments push up costs beyond what is affordable—perhaps to the point of the destruction of local job capabilities. I would simply point out that the destruction of small businesses by pushing up their costs will only diminish the number of jobs available. This is not what we, here in the ACT, wish to see, if we want to bring the maximum benefit possible to the maximum number of workers in the ACT.

MS DUNDAS (4.00): Mr Speaker, I rise to speak in support of this motion. I note that the submission which forms the heart of this motion is a comprehensive document that addresses a number of issues relating to the working lives of the low paid, rather than simply stating support for the ACTU's claim.

I believe the claim by the ACTU for $25 a week is reasonable and fair. It is unlikely to have adverse consequences for the labour market and the economy generally, as Mr Pratt has raised.

Given the increasing prices of essential utilities like electricity, gas and phone connection, this claim is not only reasonable, it is essential—if we are to protect even the basic living standards afforded to the lower paid. Or perhaps we think it is all right if people have to go without heating, or have to disconnect their phone in order to make ends meet. This is happening already. There are cases where the ends are obviously not meeting. I am sure we all know of examples.

As Mr Pratt has indicated, the federal government has a counterclaim of $10 a week. That will do little to even maintain current stretched conditions for the lower paid. At the same time, the federal government has tried to portray the ACTU's higher claim as bad for low income people. This, I believe, is an obvious insult.

The argument that increasing low paid workers' rates of pay by $25 a week will lead to massive job losses is a familiar and tired argument in debates about industrial relations. This effect is not well established. However obvious it might seem to the federal government, a number of empirical studies contradict it.

In the United States, studies by economists David Card and Alan Krueger have shown that the 1992 increase in New Jersey's minimum wage, the 1988 rise in California's minimum wage and the 1991 increases in the federal minimum wage, resulted in no loss of jobs. So it is not self-evident that giving low paid working people a greater chance of living at a decent standard inevitably leads to fewer jobs.

Another argument that has been raised against the ACTU's claim is that it will create a blow-out in inflation. However, calculations show that the claim, if enacted, would add less than 0.2 per cent to overall wages growth in the economy, and less than 0.1 per cent to the CPI. It would be interesting, in this context, to know how much impact the recent huge increases in executive salaries has had on wages growth.

The truth is that opposing wage increases for the lowest paid, in order to prevent inflation, represents restraint for the worst off, while allowing unparalleled increases for those who are already wealthy. This is hardly a strategic income policy to manage inflation.

Mr Speaker, I have circulated an amendment that I would like to move to Ms Gallagher's motion, which makes a small change to paragraph (2). This is rather minor, but I am trying to raise the standard of the operation of this house.

I am a bit wary of using motions to congratulate the government. I think that might be a bit over-zealous for a resolution of the Assembly. After all, in our system of government, the Assembly is supposed to be the formal body to which the government is accountable. I believe it is important not to let motions that come from either section of the house get carried away. Instead, we should reflect on what this Assembly views as important matters.

My amendments, instead of congratulating the government, would acknowledge the government's positive contribution. I stress that I believe it is a positive contribution that they have made to this ACTU wage claim.

People talk about the gap between the rich and the poor so often that it has become almost abstract. However, it is not abstract, and it is not just about the politics of envy. I would like to know how federal Liberal government members, or even Mr Pratt, think it feels for low paid workers not to be able to let their children participate in school excursions with the rest of their class, or not to have access to the Internet. All around, people are being told to simply log on, to access essential information and services. In job ads, people are told that a mobile phone is an essential prerequisite—as if everybody can afford one. These are not abstract things. They affect people in fundamental ways and exclude them from the common life of those around them.

I am very pleased that the ACT government has acted in recognition of these issues, and contributed to the very fine submission by the ACTU, which asks for $25 for those living on the lowest wages.

I support this motion, with my amendment. Accordingly, I move:

> Omit paragraph (2) and substitute the following words:

> "Acknowledge the Government's positive intervention in this important area of social policy, in support of achieving a real living wage for working people in the ACT."

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.06): Mr Speaker, the government will be supporting the amendment proposed by Ms Dundas. We do not believe it substantially alters the material detail of the motion. We are quite happy to accept her suggestion.

This is an important motion. I thank Ms Gallagher for bringing it to the attention of members. For too long in this place, previous governments have failed to pay proper care and attention to matters that affect people on lower incomes. It is interesting that, when I became the minister responsible for industrial relations, I asked on how many occasions the previous government, and the previous minister responsible for industrial relations, had attended ministerial council meetings of workplace relations ministers, as part of the Council of Australian Governments arrangements. I was advised that the answer was: "Not very often."

Indeed, the previous government—the Liberal government—chose quite frequently not to send their ministers to Council of Australian Governments meetings, when it came to meetings of the workplace relations ministers, simply because they apparently did not deem it to be important enough. So, whilst other states and territories were represented by their elected representative at such meetings, the ACT had to make do with an official—an official who, no doubt, sought to do their best but clearly it showed just how unimportant the previous government considered such matters. They could not even be bothered, on most occasions, to send the responsible minister.

In contrast, this government does take industrial relations seriously. That is why we have joined with the other Labor governments. Indeed, I hope, now that there has been a change of government in South Australia, that the South Australian Labor government will also join in supporting the joint submission to the Australian Industrial Relations Commission.

We had joined with all the other state governments—New South Wales, Queensland, Victoria, Western Australia, Tasmania and the Northern Territory—to endorse the ACTU's claim of $25 per week for lower paid workers. We have argued in the joint submission, as have all other state Labor governments, that this increase is an appropriate safety net increase because: it is consistent with the current wage fixing principles; it is reasonable, given the prevailing economic conditions; the increase will not have a negative effect on employment—I think Ms Gallagher and also Ms Dundas have rightly addressed that issue—and it will go some way to meeting the needs of the lower paid in our community.

More importantly, though, the proposed wage increase is fair. It is what is required, at the very least, to ensure that there is a genuine safety net for those people on the lowest of incomes. This, indeed, reflects the intention of the Workplace Relations Act. That is, that the AIRC must ensure that a safety net of fair minimum wages and conditions is established and maintained.

Mr Speaker, it is wrong to say, and it is disappointing for members of the Liberal Party to claim, that this will have an adverse impact on employment. People are entitled to a reasonable standard of living. People are entitled to a standard of living that is protected through these sorts of safety net increases. There is a significant gap between the living standards that generally prevail in our community and the living standards of those who are on a minimum wage. The increase of only $25 per week will go some way towards meeting the needs of lower-paid workers and their families in the ACT.

It is very easy to forget that there are people in the ACT who rely on, and live on, this minimum wage. Just for the interests of members, the amount of $25 a week increases the minimum wage from $413 per week, or $10.88 an hour, or $21,500 per year—that is what we are talking about here—to $438 a week, or $11.54 an hour, or $22,860 per annum. Now, that is a low wage. There is no doubt about that—that is a very low wage. To live on that wage by yourself, let alone sustain a family on that wage, is extremely difficult. You can see that the overall increase per year is a little over $1,000.

I believe members might like to reflect on that when the Remuneration Tribunal next makes a decision in relation to members in this place. If I can be so bold, Mr Speaker, members might want to reflect on that in terms of the cost of vehicles in this place as well.

From news reports yesterday, I understand that the federal Workplace Relations Minister, Mr Abbott, has argued that tax transfers would assist low income earners more than the ACTU's claim of $25 per week. He maintains that the ACTU's claim will deliver only $4.45 per week after tax.

Mr Speaker, this is wrong, in the ACT government's view. He has under-estimated the value of the claim. We believe that the ACTU claim will actually deliver $17.50 per week, after tax. It is important to put these in context. Simplistically, it can be argued by those such as Mr Pratt that $25 per week will have a significant impact, but if you look at the after-tax result, you are talking about $17.50 per week.

What will the federal government's position of $10 a week deliver after tax? That is the question, I think, that Mr Pratt needs to answer. He probably has not thought of that, but it is a significant issue.

This wage case is an important opportunity. It does provide an opportunity for meaningful benefit to people who are lower paid, and it is an essential element of maintaining a credible safety net. The ACT government has joined in endorsing this submission, in that it is important in terms of our own social policy framework. In the context of addressing disadvantage, in the context of addressing the issues surrounding people on lower incomes and the challenges they face, this is an important commitment to make.

It is interesting to note also that I do not believe the previous government chose, on previous occasions, to get involved formally in federal wage case determinations around safety nets. I think they declined to have a view and simply accepted the federal government's position. If that is wrong, I am happy to be corrected. However, I think it would be entirely fair to say that this government has taken a far more active interest, as its responsibilities require it to do, in issues surrounding industrial relations matters, in

terms of involvement at the Council of Australian Governments level on industrial relations matters and in the key issues—as Ms MacDonald rightly points out—of wage justice and comparative wage justice.

Mr Speaker, I welcome the motion from Ms Gallagher. It is important to put on the record this government's commitment to improving wage outcomes for those on lower incomes.

I would be interested to have Mr Pratt justify the Liberal Party's position to those people in the ACT community who will benefit if the wage increase advocated by the ACTU is delivered.

MR HUMPHRIES (Leader of the Opposition) (4.16): Mr Speaker, I have some difficulty in supporting the motion and the amendment before the Assembly. I have not seen the recent submission by the ACT government. Strictly speaking, I understand that there is no submission. I understand from the minister that there is no submission from the ACT government. There is a submission on behalf of all Labor governments to the Industrial Relations Commission. That is the one prepared by the New South Wales government, rather than the ACT government.

I have not seen that document. It has not been tabled in this place. Ms Gallagher has a copy.

Ms Gallagher: It is on the Internet. I can give it to you.

Mr Corbell: It is a public document. It is on the Internet.

MR HUMPHRIES: That is fine, but it has not been tabled as yet.

Mr Corbell: Well, get your shadow minister to pay attention to the issue. That is not hard.

Mr Pratt: It is on a federal website. We have it from a federal website. Where is the ACT government's advice to members of the Assembly?

MR HUMPHRIES: Mr Speaker, I am making a point. I realise that, with some discovery, the document could be obtained, but I am a little concerned about the Assembly being asked, in highly congratulatory terms, to pat the government on the back for its production of a document which, in fact, it has not produced at all—it is actually somebody else's document—and which is part of a strategy by other governments as much as by the government here.

I have no evidence that there was any input by the ACT government on this. It was actually a document prepared by the New South Wales government. Presumably the ACT government was asked to tick that off, which I assume it has done. It has not been tabled in this place. I gather most of us have not seen it, and yet we are being asked to indicate our support for that document.

There is a lack of detail about what is in the submission, other than the fact that it provides a $25 a week minimum pay rise for Australian workers. The only information we have been supplied in conjunction with that fact is simply an attack on the federal Liberal government.

I am glad you have got it, Mr Corbell.

Mr Corbell: It is on the Internet.

MR HUMPHRIES: That is great. I do not have the Internet in front of me. If you believed it was such an important document, why didn't you table it in this place?

Mr Corbell: I am going to.

MR HUMPHRIES: Mr Speaker, I think it is inappropriate to ask the Assembly to endorse a document in these terms. As I said, the speech Ms Gallagher gave was basically an attack on the federal Liberal government. It was about a federal agenda, a national issue. I think with—

Mr Corbell: It is about an issue that affects workers in the ACT.

MR HUMPHRIES: Well, let's be clear that workers in the ACT enjoy, to quote the *Canberra Times,* fatter pay packets than any other workers in Australia.

Mr Corbell: Oh! I will go and tell people who earn $21,000 a year! Go and tell that to people who earn $21,000 a year!

MR HUMPHRIES: The point is, Mr Speaker, there are not too many in the ACT on $21,000 a year.

Mr Corbell: There are a significant number.

MR HUMPHRIES: The fact is that the ACT needs to have a clear understanding of its role and what its advantages are from this arrangement. In particular, it needs to have the issue of the national ACTU/Labor government agenda separated from the question of what benefits there are, in this submission, to workers in the ACT.

You have not presented that argument at all. This has been entirely about the national argument and about the attack on the federal Liberal government. For that reason, I do not intend to support it. If you want a straight diatribe about that, we will have a debate, but I would like to know what the details are.

Mr Corbell: Would you ever support it?

MR HUMPHRIES: Would you ever support us in those circumstances? Obviously not. You did not support our position before. Would you ever have supported it? No, you would not. It cuts both ways, Mr Speaker.

We have heard much in this debate about the position of the lowest paid in Australia, and how the position of the lowest paid in Australia has been deteriorating in recent years.

The reality is that, only a few weeks ago, a report was published, I think by the IPA, demonstrating that the position of the lowest paid in Australian society, relative to other Australians, has been improving in recent years.

Mr Corbell: That well-known aggressive think-tank, the IPA.

MR HUMPHRIES: It states that devices like the GST safety net have provided substantial benefits to people on low incomes, and that this has not led to a deterioration in their position, but, in fact, an improvement in it.

Mr Corbell rushes to pour scorn on that source. Let me put this the other way around: Can you produce evidence that the lowest paid have realised a deterioration in their position in recent years?

Mr Corbell: Yes. The National Centre for Social and Economic Modelling has done a lot of research on this.

MR HUMPHRIES: As I recall the NATSEM work, it showed that poverty in the ACT and the Northern Territory was actually improving; that is, there was less poverty in the ACT than there was before.

Mr Corbell: No. You are changing the terms of the argument, Mr Humphries.

MR HUMPHRIES: Okay. You produce the evidence. Mr Corbell, and we will talk about it.

Mr Corbell: No, you produce the evidence. It is your argument.

MR HUMPHRIES: No, you have made the assertion. Mr Speaker, I heard Mr Corbell in silence in this debate. I would ask for the same courtesy.

MR SPEAKER: I have to say, Mr Humphries, you have been inviting debate across the chamber. You sort of reap what you sow.

MR HUMPHRIES: All right, Mr Speaker, if that is the policy you want to adopt.

MR SPEAKER: If you direct your comments through me, Mr Humphries, you will not have any trouble.

MR HUMPHRIES: These comments have been directed to the chamber. We have been told that there is a reduction in the position of those in the lower socio-economic ranks in Australia, and no evidence has been produced to support that assertion. I think, Mr Speaker, we are entitled to see the evidence.

We are told this is the position that has been adopted by the Australian Council of Trade Unions. It is the union-recommended position and, not surprisingly, it has been adopted by the Australian Labor governments at state and territory level. That is somewhat ironic, given the fact that membership of trade unions in Australia continues to fall. Each year,

each time figures are published, almost without fail, membership falls. The ACT is no exception to that fact.

Figures published very recently by the Australian Bureau of Statistics indicate that trade union membership in the ACT has taken a dive since 1996, when 33.4 per cent of employees were members of unions. Today that figure is just 21.5. Not much more than one worker in every five is a member of a trade union. One in every five, Mr Speaker. And we are being told here it is imperative that the ACT Legislative Assembly steps in and endorses the official trade union position on a wage rise!

I do not think, on those sorts of figures, that we are entitled to say the trade unions here—or anywhere else in Australia—speak for the majority of Australian workers. The facts are that the overwhelming majority of Australian workers choose not to belong to trade unions.

I want to make one brief comment, in the time left, about attendance at ministerial council meetings. There was a shot by Mr Corbell about ministers in the former government not going to particular council meetings very often. There are something like 30 different ministerial councils. It is simply impossible for ministers, in any government the size of the one we have in the ACT, to attend all meetings of ministerial councils.

Mr Corbell is going to hoist his government on a very precarious petard if he is going to assert that non-attendance at these meetings shows you do not care about these things. That is a comeback that we will be able to make lots of times in the next few years. It is impossible for the four ministers in this government to get to those 30 different ministerial council meetings. It is simply impossible to do that, particularly when they are in far-flung places like Western Australia, North Queensland, Tasmania and so on.

I simply say to the house that I do not think we should support the motion. It is basically about running an agenda for people whose particular application in the ACT has not been demonstrated much, it is about operating on the unproven premise that those on the lowest wages are experiencing deteriorating conditions in Australia, when there is evidence that the opposite is occurring. This is evidenced by the IPA study and by the NATSEM work on poverty in Australia, which showed that poverty was decreasing in the ACT and the Northern Territory. People in the territories were becoming better off, and levels of poverty were falling.

In those circumstances, I do not think it is appropriate to support a submission of this kind.

MS TUCKER (4.25): The Greens are happy to support Ms Gallagher's amendment. I am speaking to the motion as well. Regarding Ms Dundas' amendment to Ms Gallagher's motion, I will support it. I think there was a particularly reasonable point made by Ms Dundas on changing 'families' to 'working people'. As I understood her position, she is concerned about the use of the word, 'congratulate' because it was possibly politically provocative. Is that reasonable?

Ms Dundas: Yes.

MS TUCKER: Ms Dundas said that is a reasonable interpretation. I understand that. I am a bit concerned about us not being able to congratulate, for fear of it being politically provocative. I feel it should be possible, even for the opposition, to congratulate the government, if they sincerely believe in and are supportive of the position of government. So I am not so concerned about congratulating anybody who comes up with a good idea in this place. Certainly, in the past, I have congratulated the Liberal government on things. It was not that often, but on occasions.

I recall the poverty task force was one initiative on which I congratulated the Liberal government. I notice Mr Pratt referred to that. I found that reference interesting. The Liberal position seemed to be that this report was working, it was in existence and we just needed to do it.

Well, it was the very beginning of a process that was outlined by the poverty task force report. It does need to be pursued in a way that really takes into account, in a holistic way, what the report asked for. In fact, the Liberal government did not do that. It was criticised for that, before the election, in terms that it was a rather random picking up of the recommendations of the poverty task force. That was a general criticism. I wait to see whether this Labor government does a better job on that. I sincerely hope they do. I hope I will be able to congratulate them, in this place, on those initiatives.

In that report, there were very clear fundamental issues about the provision of what we would see as essential services or essential rights—I would say social rights—such as provision of housing, access to free public education of a high-quality, access to medical care et cetera. These are fundamental issues for people living on a low wage, or in poverty. I cannot say I have ever seen this Liberal government take a radical position against the federal government's position on public provision of these basic social rights.

If you have a good look at the poverty task force report, as far as it has gone, you will see that there is a lot of work that needs to be done; that fundamental approaches by the federal Liberal government and this government were not consistent, even in ideology, with the public provision of social rights—or even seeing them as social rights. I have heard that discussion as well—that the notion of social rights has to be challenged. That is not accepted by many people in the Liberal Party. However, if Mr Pratt is, in fact, supporting the notion of social rights and the convention on civil, political and social rights, then that would be a good discussion. Maybe we could have that another day.

In terms of this particular motion generally, the Greens definitely support workers being paid a fair wage. It is true that Australia's once egalitarian culture is little more than a myth. Today's executive salaries are out of control. We have witnessed thousands of workers losing their jobs through business closure or business failure—and, of course, through general downsizing of governments of both persuasions, Labor and Liberal. We have also seen an increase particularly from—I am not sure if it is particularly from the Liberal government, but we have definitely seen an increase in what we quite often call corporate welfare.

Speakers here are opposing this motion, on the grounds of it being a serious impost on the finances of the territory, or of Australia, to pay the lowest paid people in this country a little bit more. If they are serious about the financial pressure being so significant, they should have a good look at how much is going to corporate welfare in this country—how

little accountability is associated with that, how little we understand whether or not it is actually delivering benefits of any kind.

This is about the basic question of fairness for people who are struggling. I wonder, sometimes, how many members of various parliaments around Australia, including this one, have any real understanding of what it is like to try to live on that amount of money per week. Perhaps some do, and perhaps they still say that it is okay, but that is not the experience of all the people who we can talk to in the ACT.

Of course, there will always be some who can manage. We can bring out a general kind of anecdotal position "I know someone who lives fine on this amount". However, we know that it is an incredible stress, it is really difficult. People living on that amount of money do not go to the dentist, for example—something as basic as that. Someone on that amount of money who may not be eligible for a health care card will go to the doctor if they can find $30 or $40 for the consultation.

It does not matter that they get the money back. They must have that money in their purse or wallet and, quite often, they will not have it. Therefore, quite often, they will be in a situation where they cannot even access primary healthcare, if there is not the potential for them to go to a bulk-billing doctor. We know there is a huge problem with the number of doctors now providing bulk billing—there are not enough of them. So there are serious issues for people living on that level of income. It is really a very minimal increase that we are talking about.

By the ACTU, it is called a safety net adjustment, and I think the language is appropriate. This is really no more than a safety net, and it is still not going to solve the problems. The suggested increase of $25 per week will give Australia's lowest paid workers a slightly better chance to make ends meet.

It is evident that the GST has hit those who can least afford it. That is an ongoing issue for actually being able to live on these sorts of salaries. The Greens believe it is essential that we provide a minimum wage that can sustain a reasonable existence. Allowing for increases in the cost of living is an essential component of providing a living wage.

As other speakers have said, the ACTU reports a wage increase over the last 12 months of 3.6 per cent. If the living wage claim is granted, wage costs would increase to 3.8 per cent. The basic established principles of the commission are reasonable, and worth stating.

This is the sixth living wage case application to be determined under the provisions of the Workplace Relations Act 1996. The basic principles which inform the commission are: one, moderate safety net increases will have a minimal impact on inflation; two, moderate wage increases do little or nothing to diminish job prospects; three, employees on low wages experience difficulties making ends meet and affording what are generally considered by the broader community as basic necessities; and, four, while safety net adjustments are not perfectly targeted to meeting the needs of the low paid, they assist in meeting those needs.

For that reason, I will support this motion. I am very pleased that the government has supported the ACTU's living wage proposal. I am happy to congratulate them on that, but if that is amended now I will just acknowledge it as a positive intervention. That is fine, I am happy to do that. I hope the Industrial Relations Commission grants the claim that will start to address, to a small degree, Australia's growing wage inequity.

Amendment agreed to.

MS GALLAGHER (4.35): I thank members for their support of this motion—and others for their contribution to the debate.

I must say that Mr Pratt's fears about losing employment opportunities in the ACT had actually brought me back, for a moment, to my previous occupation as a union organiser. Every time we were involved in wages bargaining across the table, the same line was run. I am sure my colleagues in the chamber who have also worked for unions have heard it before. Surprise, surprise—the wages outcomes were delivered and jobs were not lost!

Mr Humphries says there is no evidence to prove that the disadvantage suffered by lower income earners is increasing and that things are getting better for them, not worse. I do not agree with that. I am happy to provide Mr Humphries with evidence of that, if he so wishes. However, leaving that aside, the fact of the matter is that there are workers in the ACT, and around the country, who are earning $400 a week, or just above that, as their weekly wage. At the end of the day, this is about securing an extra $25 for them.

The ACT government was involved in the submission, we did provide data to the submission, and we did provide detail to the submission. We are happy to be part of a joint submission, because we believe that a united approach from the state and territory governments in this area is a strong way to argue the case for wage justice in Australia.

The proposed rise in the living wage represents a rise of only 3.8 per cent, in real terms. However, it will make a marked difference to the lives of many families. I do not think I need to go on much longer. I just draw the Assembly's attention to comments from the 2000 Brotherhood of St Lawrence report *No Child*, which states:

> In countries such as Australia, much of the harmful impact of poverty on parents and children comes from the stress and alienation connected with having a very low income; the continual juggling of finances, financial uncertainty, and very often a sense of being different and less worthwhile. For children, the impact of stress (and unhappiness) may be direct or indirect through the parents' experiences and behaviour.

Families need this increase. The evidence before the commission will argue that the $25 wages claim will have minimal impact on inflation, will not alter job opportunities, will alleviate some of the stress and disadvantage experienced by low paid workers, and will have an impact on those workers most in need.

I hope that the commissioners hearing this case will support the claim sought by the ACT and supported by the joint Labor submission. It is certainly the case that having a job in Australia no longer guarantees the wellbeing of you or your family, or a life without

poverty. Approximately 1.2 million working households are currently suffering financial stress.

The contribution made to this debate by the Labor state and territory governments is a step forward. The minister, Mr Corbell, the government and the Australian Labor Party are making sure wage justice is secured for deserving and hardworking families in the ACT.

Motion, as amended, agreed to.

Discrimination against women

MS DUNDAS (4.39): I move:

> That the Assembly:
> (1) believes that every woman should be free from discrimination on the basis of gender;
> (2) endorses the role of international conventions in protecting human rights, including the right to be free from discrimination; and
> (3) directs the Chief Minister and Minister for Women to write to the Prime Minister and the Minister Assisting the Prime Minister for the Status of Women calling for Australia's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, as soon as is practicable.

This motion expresses and gives substance to the principle that no woman should have to experience discrimination on the basis of her gender, a principle that I hope and trust is fully accepted by this Assembly.

Members are probably aware that this Friday is International Women's Day, a day devoted to celebrating the achievement of important gains for women but also a day to express our anger and frustration at the discrimination and misogyny that still exist. In the spirit of International Women's Day, this motion is an opportunity for the Assembly to show that it is serious about women's human rights.

This motion simply calls on the ACT government to write to the Prime Minister and to the Minister Assisting the Prime Minister for the Status of Women, who is a female, calling on the Australian government to ratify the optional protocol to the Convention on Elimination on All Forms of Discrimination against Women. While this might sound complicated, it is quite simple. The optional protocol is a mechanism which enables women to access justice in the international arena when they cannot achieve it domestically.

By ratifying the optional protocol, a state recognises the competence of the Committee on the Elimination of Discrimination against Women, which is the body that monitors state parties' compliance with the convention and receives and considers complaints from individuals or groups within its jurisdiction. The optional protocol also establishes an inquiry procedure under which the committee is able to investigate serious and systemic abuses of women's human rights.

It is important to note that the protocol does not create any new rights. However, it provides a mechanism for the enforcement of rights that have already been agreed to by the parties to CEDAW, of which Australia is one.

The optional protocol entered into force on 22 December 2000 following the ratification by the 10th state party, Italy, of the protocol. As of 5 February 2002 there are 73 signatories and 31 parties to CEDAW and the protocol. The first countries to ratify the protocol were Namibia and Senegal on 26 May 2000 and the most recent and 31st was Ecuador, which ratified it on 15 January 2002.

Numerous developed countries with political systems similar to Australia's—such as Ireland, Germany and France—have ratified the protocol. In our own region and as another member of the Commonwealth, New Zealand ratified the protocol on 7 September 2000, over two years ago. It did so on the grounds that ratification would add substance to that country's commitment to women's rights and to CEDAW. Similarly, Australia's ratification of the optional protocol would be a strong expression of our commitment to human rights of women in Australia and worldwide and of our continued support for CEDAW itself.

I believe the federal government should be ashamed of its refusal to sign the optional protocol. Australia is sending a message to the world that it is less committed to women's human rights than are many other nations with fewer resources, countries like Costa Rica, Bangladesh and Kazakhstan, which have signed the optional protocol. It is appalling that Australia, a country that has played such an important and leading role in protecting human rights in the past, now refuses to take the next step in protecting women from discrimination.

Optional protocols such as the one we are discussing today are not radical innovations but a respected part of the international human rights system. Protocols similar to this one have been established under the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

In 1992, when Nick Toonan complained to the United Nations Committee on Human Rights about Tasmanian laws prohibiting consensual sexual relations between members of the same sex, he became the first person ever to make a complaint under the optional protocol of the ICCPR. As a result of that complaint those discriminatory and repressive laws were removed. This a clear and positive example of how international human rights protections have been relevant to Australia.

Recently, despite Australia having played a leading role in the development of CEDAW and other human rights conventions, the Australian government has demonstrated its reluctance to support the international system of human rights. The government has said that it wants reform of the UN committee system, which it sees as politically driven, and this is why it has refused to sign the optional protocol.

However, I would like to make it quite clear that by refusing to sign the optional protocol the federal government is giving in and playing politics itself with the international system. Taking their bat and ball and going home and withdrawing from the UN system only restricts opportunities for Australia to participate in further reform. More

importantly, it is wrong to make an example of women's rights in the campaign against the UN committee system. To do so shows an incredible disrespectful attitude towards the human rights of Australian women and undermines Australia's previous role as a leader in the international arena of human rights protection.

Some might say that Australia is so good at protecting its women's rights that there is no need to provide this further avenue for redress. I agree that Australian institutions such as the Sex Discrimination Act and the Human Rights and Equal Opportunity Commission are generally effective. However, at this stage we need to demonstrate leadership. If the Australian government is convinced by its rhetoric that the human rights situation in Australia is exemplary and it fulfils its role as an international supporter of human rights, then it should be willing to give its support to the human rights conventions, and it should be willing to sign the optional protocol to CEDAW.

As just demonstrated in the Assembly, we are an Assembly that cares for workers, enough to put forward a submission to the national arena about their wages. I hope that the Assembly will support my motion on women's rights and join with the Democrats in advocating for international women's human rights.

MS GALLAGHER (4.46): I would like to speak in support of Ms Dundas' motion. Australia has a long history of active involvement in, and support of, the role of the United Nations in protecting and advancing global human rights. This championing of human rights has led Australia to ratify a number of UN human rights treaties, many of which include a direct appeals procedure such as the one outlined in the optional protocol to CEDAW.

Unfortunately, Australia's reputation as a human rights advocate has been tarnished in recent years, at no time more so than in mid-2000 when the Minister for Foreign Affairs, The Minister for Trade and the Minister for Immigration and Multicultural Affairs announced that the federal government not only would be reviewing its cooperation with the United Nations human rights committee structure but would not sign the optional protocol to CEDAW.

It is unacceptable that the federal government, when it comes under the scrutiny of the international community, should seek to distance this country from the important role the United Nations plays in the protection of human rights. The actions of the federal government following criticisms of Australia's treatment of its indigenous population and of refugees suggest that Australia is beyond reproach in its human rights record. Mr Deputy Speaker, I assure you that it is not, and any action to the contrary is arrogant and undermines the importance of human rights in this country.

It is up to countries such as ours to lead the way in advocating for human rights and in supporting the international community in its efforts to secure those rights for all people. Part of that support is to accept the scrutiny of our human rights performance by the United Nations. Any nation that will not accept the criticism and direction of the peak body advocating for human rights cannot then lend its support to that body or call for other states to improve their human rights records. For the federal government to place Australia in such a position not only undermines our international standing but threatens the legitimacy of the entire international human rights system.

In specifically refusing to sign on to the optional protocol to CEDAW, the Liberal federal government has sent the signal that women's rights are not in fact human rights and that women do not deserve the same level of redress as do other groups that suffer discrimination and persecution. I do not believe that such a view is one that the majority of Australians would agree with, and I believe it is a view this Assembly should actively seek to counteract.

When the federal government published its intention not to ratify the optional protocol, it also signalled its intention to distance itself from the United Nations human rights committee structure pending a review by a joint committee of the Department of Foreign Affairs and Trade and the Attorney-General's Department. The report of that committee was tabled in the middle of last year. Recommendation 19 of that report says:

> Given Australia's laudable record of support for UN human rights treaties, a majority of the committee recommends that the Australian Government proceed with the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

So I would urge the Assembly to support Ms Dundas' motion. The Chief Minister should urge the federal government to comply with the findings of the committee set up to review this country's involvement in the United Nations human rights process and should ratify the optional protocol to CEDAW as soon as practicable.

I would like to reiterate the right of every woman to be free from discrimination on the basis of gender. In keeping with this, I would like to draw attention of the Assembly to the fact that International Women's Day will fall on this Friday, 8 March. We should not be kidding ourselves that women in this country have achieved equality in the workplace, the community or politics. International Women's Day provides an opportunity for us to celebrate how far women have come in the last 100 years but also to look at what still needs to be done. Australia needs to repair its international human rights reputation, and this Assembly should support Ms Dundas' motion and urge the federal government to take the first step and ratify the optional protocol to CEDAW.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.50): As Ms Gallagher has just indicated, the government supports the motion that has been put to the Assembly today.

Ms Dundas' motion should be supported not only by this Assembly and this government but by all Australians. In signing the convention in 1980 and ratifying it in 1983, Australia committed itself to being a society that promotes policies, laws, organisations, structures and attitudes that ensure that women are given the same rights as men. Australia is being left behind in supporting the optional protocol, simply because the current Commonwealth government refuses to acknowledge that we have a role to play in ensuring the rights of women around the world.

If Australia were to become a signatory to the optional protocol, Australian women would have access to an international complaints mechanism on human rights issues. Ms Dundas quite rightly pointed to the significance of such instruments in some circumstances. She pointed to the complaint that was lodged by certain gay people in

Tasmania in relation to the discrimination which they suffered as a result of the operation of the Tasmanian criminal code some years ago.

I have always reflected with some pleasure and pride on the fact that I was a member of the staff of the then federal Attorney-General, Michael Lavarch, who facilitated that process and was responsible ultimately for overturning the Tasmanian laws, much to the chagrin of Tasmania, by introducing amendments the Commonwealth was able to make and implement as a result of our commitment to international instruments. That is a very good and moot example of the importance of instruments such as these.

The optional protocol to the convention acknowledges that women's rights are taken as seriously as other human rights, such as those relating to race, torture and political participation. Australia's ratification of the optional protocol would support making governments more accountable under the convention than the previous system of self-assessment and reporting. My government strongly supports the Beijing platform for action, which calls for the development of a complaints mechanism for the convention.

Mainstream human rights instruments such as the Universal Declaration of Human Rights, the convention against torture, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination all have complaints or inquiry mechanisms. This convention, which specifically covers women's human rights needs, requires a similar avenue of redress if the convention is breached.

The government strongly supports the right of all women to participate equally in shaping all aspects of society, free from discrimination on the basis of gender. We are committed to ensuring that all women have the right to economic independence and are given opportunities to participate in, and are enabled to share in, the control of the institutions and relationships that affect their lives.

As ACT Minister for Women, I will continue to support the rights of women to control their own bodies, have access to adequately funded services and education programs, have protection from all forms of violence and have support for human rights across the board.

It is quite timely that this motion should be considered in the Assembly in the lead-up to International Women's Day. We are also celebrating Women's History Month, a month which highlights yet another area where the contribution and value of women in our society have not been given equal recognition. I look to the Assembly and the ACT community to support this motion and the important principles it seeks to promote.

In conclusion, I foreshadow that the government will not support the amendment circulated by Mrs Cross. We see it as an unnecessary watering down of the strong message that Ms Dundas' motion sends—that this Assembly does support the ratification of the optional protocol and does not believe that there is any point in simply seeking the Commonwealth government's explanation as to why it has not yet deemed it appropriate to ratify the optional protocol. I think we all know what the real reasons for the non-ratification of the optional protocol are.

Watering down the motion in the way the amendment proposes is not necessary at this time. It is just a delaying procedure. It is appropriate for this Assembly to send a clear signal that it believes the optional protocol should be ratified and does not accept that there are any cogent reasons for delaying that process. To write to the Commonwealth as the amendment proposes would be to diminish the thrust and the force of the motion in a way that we should not support. It would send a message that we are equivocal about our support for this fundamental principle.

The government supports Mrs Dundas' motion. It does not support the amendment.

MRS CROSS (4.55): The Convention on the Elimination of All Forms of Discrimination against Women, otherwise known as CEDAW, adopted in 1979 by the United Nations General Assembly, is often described as an international bill of rights for women.

Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. By accepting the convention, states commit themselves to undertake a series of measures to end discrimination against women in all forms, including measures to incorporate the principle of equality of women and men into their legal system, to abolish all discriminatory laws and to adopt appropriate ones prohibiting discrimination against women; to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure the elimination of all acts of discrimination against women by persons, organisations or enterprises.

The convention provides the basis for realising equality between women and men through ensuring equal access and opportunities in areas such as political and public life, education, health and employment. The convention is the only human rights treaty that affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It also affirms women's rights to acquire, change or retain their nationality and the nationality of their children.

Nations that have either ratified or acceded to the convention are also bound to take appropriate measures against all forms of traffic in, and exploitation of, women. They are further required to submit national reports to an oversight committee, the Committee on the Elimination of Discrimination against Women, at least every four years on measures they have taken to comply with their treaty obligations.

The convention came into force in September 1981, and 168 nations are currently party to the convention. Australia became a signatory on 17 July 1980.

Very often human rights treaties are followed by optional protocols which either provide for procedures to implement the treaty itself or address a substantive area related to the treaty. The optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women includes two implementation procedures.

These provide, firstly, for women to make a complaint to the oversight committee, the Committee on the Elimination of Discrimination against Women, about violations of the convention once local remedies have been exhausted. Secondly, they enable the committee to conduct inquiries into grave or systematic abuse of women's rights in

countries that have become party to the optional protocol. The inquiry procedure is modelled on an existing human rights treaty: article 20 of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The United Nations General Assembly adopted the optional protocol in October 1999. It came into force about a year later. To date, 73 nations have signed the optional protocol, out of 168 that have signed CEDAW. The list of those that have and have not signed the optional protocol is interesting. For instance, New Zealand and most European Union nations have signed. However, amongst like-minded countries, Britain, Canada and Japan have not yet signed. The United States is not even a party to CEDAW. On the other hand, several nations with extremely poor records on women's rights have signed.

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.

MRS CROSS: Australia participated actively in the development of the optional protocol but, as Ms Dundas has pointed out today, Australia has not yet become a signatory to it. In seeking an explanation of this disparity last night from a federal colleague, one of the ministers named in this motion, I discovered that Australia's as yet non-participation is neither a conspiracy nor a mystery. I was informed that in March 2000 the federal government announced that it would review Australia's interaction with a United Nations human right treaties committee system. The review duly confirmed Australia's commitment to the principles of human rights but found that there were substantial problems with the operation of treaty committees, problems such as mounting backlogs in committee workloads and committees working outside their mandates.

On 29 August 2000 the federal government announced a series of measures designed to improve this committee system. One of the measures announced was that the government would not sign or ratify the optional protocol while its concern with the system remained. I was also informed that those concerns have yet to be fully put to rest. Once they have been, I understand that it is intended for the protocol to be signed.

I think this has been a sensible approach. I further believe that those who have been handling this matter up until now, our federal government, are the ones best qualified to make decisions on when the protocols should be signed.

I think it is important to add that Australia has a comprehensive legislative base on discrimination issues. We have a world-class regime of legislation and institutional mechanisms to protect women against discrimination. The federal government has made it clear that it supports the principles of universal human rights on which the United Nations is based. However, reforms are still needed to UN treaty committee processes to generally achieve this. Our federal colleagues are working with other reform-minded countries towards this goal. On our behalf, they are committed to effective reform to genuinely advance the enjoyment of human rights throughout the world.

It is not appropriate to become party to another complaints mechanism while the current problems with the UN system remain unaddressed, especially given our strong domestic protections. Accordingly, the Liberal Party cannot support this motion in its current

form. We will support the first two paragraphs but believe that paragraph (3) is inappropriate as it is written, and I foreshadow an amendment.

MR DEPUTY SPEAKER (Mr Cornwell): Would you like to move that formally, please?

MRS CROSS: I move the following amendment:

> Omit paragraph (3) and substitute:
> (3) Calls on the Chief Minister and Minister for Women to write to the Prime Minister to request the reasons why Australia is yet to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, as soon as is practicable.

In the circumstances I have outlined, this approach would make more sense.

This side of the house is strongly committed to providing equal opportunity in all walks of life for all our residents. I believe the ACT has some of the best discrimination laws in Australia and an effective Discrimination Commissioner. As one would expect, some areas of discrimination are more difficult to eliminate than others. Discrimination against women is one such example.

Modern-day society is still coming to terms with some of the subtlety of discrimination against women. Again this is not surprising, given that we have had to confront not just decades or centuries of behaviour but millenniums of attitudes and practices that are unacceptable.

The Liberal party has long been committed to this cause and remains so. By not demanding immediate ratification of the optional protocol by our federal colleagues it does not indicate we have lessened our commitment to the rights of women. On the contrary, it burns brighter than ever. It does indicate, however, that we are prepared to let the federal government do its job on this matter in the manner and timing of its choosing.

MS TUCKER (5.04): I will speak to the motion and to the amendment proposed by Mrs Cross. Speakers have very clearly outlined what CEDAW is. I will not go into the detail again. In summary, it is about improving appeal rights through an international body when it comes to issues of discrimination.

This is an important move. If we are of the view that international conventions are useful, then they have to have teeth and countries have to be held accountable when they sign on to these treaties or conventions.

I listened to Mrs Cross with interest. I wanted to understand what her concerns were. I will not be able to support the amendment she has moved. The federal government's reasons for not supporting CEDAW are, as Mrs Cross clearly articulated, to do with its position on committees and the work of the UN. That came out of them being embarrassed by findings of such committees on a number of issues to do with human rights. One of them was mandatory sentencing in the Northern Territory courts. We had several comprehensive debates on that matter in the last Assembly.

Many Australians have been embarrassed by the way the federal government has tried to wriggle out of its obligations when they have found themselves in breach of these conventions. They have argued, "The committees are too busy" or "The committees are outside their mandate." There has been a lot of discussion and legal opinion on whether or not that is the fact.

This motion is about discrimination against women and trying to make a more accountable system. Even though people may live in countries that have signed on to CEDAW, quite often it will be extremely unlikely that they will have avenues of appeal.

If we saw a serious gender analysis of a lot of the policy of the federal government, we would find that they could be challenged. Ms Gallagher is chairing a committee looking at women's issues. I am hoping that that committee will do an assessment of how well policy is audited for its gender implications. That is very important. It is certainly important in the federal arena. It is important in industrial relations. The policy of the federal government in that area has been taken as gender neutral, and it clearly is not. Women are much more disadvantaged by the federal government's industrial relations policy.

The GST has gender implications. Women are more likely to be in poverty and so more likely to be discriminated against and suffer under that tax system. There are real questions if you are serious about understanding the gender implications of policy and the potential for discrimination arising out of particular policy decisions.

Mandatory sentencing was about a very fundamental human right. There were interesting gender issues in that as well. I am very concerned that the rationale given by the federal government for not supporting CEDAW has been given credit today in this place. I do not agree that those arguments have any credit.

Mrs Cross said that we should leave this to the federal government because it is the federal government's business. To the contrary, we now have a constant link with the federal government on treaties and conventions. In the last Assembly it was going through one of the standing committees. I am not sure which committee it is going through this time. I have not found that out yet. The federal government acknowledged the need for us to be involved in the debate. During the last Assembly I went to one of the initial seminars on this subject in the federal parliament. Members of various political parties from various state and territory parliaments came to that seminar to understand the processes of treaty and convention signing. So there is an acknowledgment that we need to be involved.

We have every right to be involved, apart from that particular process being put in place, because we are elected here to represent people in our community, over half of whom are women. Of course, we need to have a say if we think the plight of women or the welfare of women could be improved by a national position which brings about greater accountability through international fora. I cannot accept the argument that it is just the federal government's business.

Ms Dundas' motion is a good motion. It is appropriate that it be debated this week with International Women's Day coming up. It is a strong motion. I am glad the government is supporting it and I even congratulate them. We need to take a strong position on behalf

of the people of the ACT. This has been a campaign for a number of years by women's groups around Australia. It was a major issue in the Western Australian election before last, from memory. It stimulated a lot of attention and changing of votes. People in Perth saw it as fundamental to ask the major parties, other parties and Independents what their view on CEDAW was. It was seen as a fundamental issue for women and a fundamental and critical issue in progressing the fight to stop discrimination against women.

It is still a major issue in ways that are more subtle than many people understand. I have already alluded to that in talking about gender auditing of policy. I am very pleased to be able to support Ms Dundas' motion. I will not be able to support the amendment from Mrs Cross.

MRS DUNNE (5.11): I rise to support in part Ms Dundas' motion and to speak in support of Mrs Cross' amendment. There is no doubt that all of us here are keenly aware of the impact and the severity of the discrimination that has been wrought against women over the years on the basis of their gender. We are also aware of the substantial progress that has been made in this country and in this polity. It is fitting that in the run-up to International Women's Day we should be addressing these issues, which, as Ms Tucker said, are fundamental and critical.

In thinking about this last night and what stance I would take, I did take some time to consult some members of the community to see what their views were. They were mixed. None of those I consulted thought we should not be actively involved in eliminating all forms of discrimination against women wherever it occurs across the world. Some who had considerable expertise in working on UN committees had reservations about the effectiveness and the appropriateness of some of the work that is done by CEDAW through its committees and through the protocol allowing for complaints.

Last evening when I discussed this with a circle of women, concern was expressed to me that there needs to be considerable reform of the complaints mechanisms that are used by CEDAW before we sign up to it. At the same time these women were quite active and voluble in saying that they wanted to see the wider work of CEDAW continued and furthered.

Their principal concern was that the complaints mechanism of CEDAW essentially overrode the primacy, legitimacy and sovereignty of Australian law-makers. This is the reservation we must address. They also raised with me their experience that the CEDAW committee was sometimes inconsistent with its rules and procedures and in its reporting guidelines. There was evidence of political bias, inaccuracy in reporting and a variable quality in the people who sat on the committee. While these issues are still outstanding, I concur with the position of the federal Minister for Women's Affairs that we cannot reasonably sign up to something about which we have such reservations.

In consultation with women on this issue last night, I was struck by their commitment to serving women and eliminating elements of discrimination across the world. But the message that came home to me was that we need to see the convention used to press home the real issues that go to the root of real discrimination such as slavery, sex slavery, female genital mutilation and women being a chattel of their husbands or their fathers and there should be less emphasis than currently on undermining the institution of

motherhood. All of us who are mothers know that no matter what we do we are mothers first. We should not resile from that, and there should not be international conventions that make us feel guilty about the fact that we are mothers first.

I want to draw attention to some of the criticisms of various nations by CEDAW. The committee of CEDAW, in one of its reports on Belarus, was particularly scathing because too much emphasis had been placed on the symbols of motherhood and providing mothers awards. They thought this underscored the traditional roles of women and failed to break down sex role stereotypes.

Its ironic that while we are trying to alleviate poverty, which is the greatest form of discrimination against women, we find that in February 1999, when Colombia was trying to bring itself back on deck after a disastrous earthquake, prolonged internal wars and drug trafficking that broke down the entire social structure of the country, the CEDAW committee spent a lot of time complaining that the National Office of Women in that country had only a million pesos in its budget. It did not draw attention to the fact that the entire country was on its knees as a result of natural disasters and civil wars.

Unfortunately, I find that the officials and the committees of CEDAW tend to visit First World mores on developing countries and expect that all the changes we have achieved in the First World will be achieved immediately in the Third World and emerging nations. I think this is an unfortunate emphasis. Because of this, we must support Mrs Cross' amendment to paragraph (3) of Ms Dundas' motion and allow the federal government to address the outstanding issues about the appropriateness of some of CEDAW's actions before we demand full compliance with the optional protocol.

MS DUNDAS (5.18): I would like to make it quite clear that at this stage I am speaking only to the amendment moved by Mrs Cross. I thank Mrs Cross for her implied support for my motion. It is important that we recognise that issues such as being free from discrimination and protecting human rights are bigger and more important than party politics. I take heart from some of the comments made in this chamber. However, I cannot support Mrs Cross' amendment.

The federal government has made it quite clear repeatedly why they do not support the optional protocol and why they have not ratified the optional protocol. It appears that they are purely political reasons on an international stage. The result is that it devalues the women of Australia.

We do not need to know why, Mrs Cross. We must demand action. That is the point I am trying to make about the amendment. My motion as it stands calls for action. It calls for taking a very important step as a country and ratifying this protocol.

We know why Australia does not support the optional protocol. We have heard the reason repeatedly. I remember quite clearly the press conference when Mr Howard stood up with Mr Downer and clearly articulated that they were refusing to support women's rights because of some concerns with the political process going on in the UN. To me, it was a purely political reaction. They did not try to reform the UN assemblies. They have not tried to work for the rights of women. While I take heart from some of the comments that have been made in this chamber today by Mrs Cross, I cannot support the amendment.

MR CORNWELL (5.20): I shall be supporting Mrs Cross' amendment to this motion, though I regard the entire motion as somewhat superfluous. I ask myself why we are debating this matter here in the ACT Legislative Assembly. I would have thought that the Democrats would have their own people in the Senate who could more adequately address this international matter. Perhaps in closing the debate Ms Dundas will explain why she has felt it necessary to raise it here. Perhaps the Democrats in the Senate are not quite as enthusiastic to indulge in this exercise in political correctness.

I am concerned about a great many of the motions that are moved, carried and signed in the United Nations. It was the Keating government that signed away the sovereignty of much of this country without so much as consulting anybody.

Fortunately, when the Howard government came to power they did institute a system whereby the state and territory governments were at least advised that certain treaties and certain agreements were to be ratified, and comment was sought from the state and territory governments. That is not necessarily a completely adequate way of doing these things. I prefer that you consult the community. Nevertheless, it was better than just willy-nilly signing things off without any reference to the people of Australia. Ms Dundas makes allegations about politics being at play in the Howard government's refusal to do things. I would have thought that Prime Minister Keating's activities were far more reprehensible.

My basic objection to a lot of these protocols is very simply that it is difficult to find out the membership of some obscure committee of the United Nations. No wonder when many of the countries on the committees have absolutely appalling track records when it comes to whatever they are supposed to be trying to enforce. What they are good at is interfering in the sovereignty of other countries. That is what I object to most strongly. Never mind the hypocrisy that many of these countries display.

I have heard a lot of talk about the word "rights" in this debate to date. What about some responsibility, what about some equality and what about merit? I find it passing strange—indeed, I have a question about this on the notice paper—that we have affirmative action and International Women's Day. I do not know whatever happened to International Men's Day. It appears that this does not count. Yet women are constantly talking about equality. Where is the equality in having an International Women's Day but no International Men's Day. It does not seem to me to be very equal.

I would like to know who has signed these protocols. Mrs Cross mentioned some. Never mind the top nations. I want to know whether some of the smaller nations have, and then we will compare their standards in affirmative action or political correctness that involves women against Australia's. I think that would be most interesting and very revealing.

Australia, particularly the ACT, has done an enormous amount for women. You only have to look at the number of women in positions of authority. You only have to look at the number of women in positions of power in the ACT. Yet there is still this complaint—one could almost say "harping"—about the equality that is required by women.

I sometimes wonder whether the extent of young male suicide in this country has anything to do with this affirmative action, this push not for equality but for preference for women. I do not know the answer to that. I simply raise it as a matter of concern.

I was interested to hear Ms Tucker talk about Australia wriggling out of its United Nations obligations. Of course, it cuts both ways. I have a clipping here from the *Canberra Times* of 27 February. It appears that Sydney's heroin injecting room is in breach of the international drug conventions of the International Narcotics Control Board, a quasi-judicial body set up to enforce the 1961 United Nations Convention on Drugs. We are ignoring this requirement of the United Nations. Tut, tut! There is nothing politic, nothing political in this at all, is there? No, not at all. It is selective. It cuts both ways. We can pick and choose when we wish and when we want to.

By putting up these biased, affirmative action, politically correct types of motions seeking preferential treatment you destroy the status of women. There are many capable women in the community who will not forgive you for doing so. I believe that what Mrs Cross has put forward is a sensible amendment. Let us request the reasons why Australia is yet to ratify this matter. We have speculated from time to time here on this question, but we do not know for sure. I think that is the least we can do, although I repeat that I prefer not to have the matter before the house at all.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.27): I did not intend to speak in this debate, but I want to make one point. I note that at least one women's group has annual awards called the Dregs. I just wonder whether that speech was an attempt at immortality.

MR STEFANIAK (5.28): I fully endorse the comments made by Mrs Cross, who has indicated to me that she understands it was John Howard who set up the Office of the Status of Women and found Prue Goward, a very distinguished Australian woman, to run that office.

Mr Hargreaves: Was that through a proper interviewing process?

MR STEFANIAK: I have no idea, but I do not think anyone is complaining about it.

Mr Wood: That is plain wrong. It goes back years.

MR STEFANIAK: He has an excellent woman there, Bill, so do not worry about it.

The points raised by Mrs Cross and the points raised by Mr Cornwell in relation to paragraph (3) of the motion are very valid. Mrs Cross' amendment is worthy of support by this Assembly.

We have absolutely no dramas with paragraphs (1) and (2) as they stand. With International Women's Day being tomorrow, it is appropriate that the Assembly state that it believes that every woman should be free from discrimination on the basis of gender. I am sure we would all agree that every man should be free from discrimination on the basis of gender too. Mrs Cross read out the UN protocol in relation to that. A big tick for that one.

Paragraph (2) states:

> endorses the role of international conventions in protecting human rights, including the right to be free from discrimination;

We agree with that—although, as several speakers on our side have pointed out, there are considerable problems with the UN enforcing much at all.

Mrs Cross indicated that some of the countries that have already signed this have a very dubious record. I wonder whether our Zimbabwean friends have signed it. I saw not too long ago a very interesting film showing a terrified women—she was a farm labourer—and her little children being abused by some of Robert Mugabe's goons. It was quite horrible. I wonder whether that country, which is now going through an electoral process with the ruling government terrorising the population, is a signatory. I wonder whether some of the other wonderful beacons of light in the world have ratified this. There can be a lot of hypocrisy in the United Nations.

Australia has a very proud history in advancing women. We were the first country to introduce adult voting for women. We were many years in front of the United Kingdom, which waited until about 1926. We had full suffrage for women well before World War I.

We in the territory have a proud record too. The two longest serving chief ministers, by a country mile, were both women, and one of them was the first female Premier or Premier equivalent in Australia.

I have had the pleasure in recent years to serve as a minister with some very distinguished and capable women in various government departments, including Fran Hinton, who is still the head of a government department. I have the utmost admiration for the first female Prime Minister of Great Britain and the wonderful job she did, especially working, along with President Reagan, to contain Soviet imperialism .

We have had some particularly impressive women in Australia and throughout the world. But I have some concerns about how effective the United Nations will be. We should do it. It is right and proper that we do it. These conventions do have some effect. They are better than nothing in protecting human rights.

Perhaps the greatest advancement for women in the last 12 months has resulted from action by the British, the Americans and us—primarily the Americans—in getting rid of the Taliban regime in Afghanistan, which was most backward in its treatment of women. I do not know whether Afghanistan ratified the convention. I am not quite sure what Afghanistan's status in the UN is. The Taliban regime had a shocking record in women's rights. I do not know how much better the new regimes will be, although it seems that some progress has been made in the rights of women. That was not a result of the convention; that was a result of military intervention.

Go back through history and look at the great advances in not only human rights but the rights of women. The British parliament freed slaves in 1807 and throughout the Empire in 1833. That was done largely through the efforts of the Royal Navy in chasing slavers and freeing slaves, both men and women.

Suttee in India—the practice of burning women on the death of their husbands—is another barbaric practice that was stopped only through British bayonets.

We still see so many instances of discrimination in some countries around the world and slightly more subtle forms of discrimination in some of the slightly more developed countries where a lot more can be done.

Conventions, I suppose, can help. I think we have seen some advances in most countries over the last couple of decades. A lot more needs to be done. Australia has nothing to be ashamed of. We are one of the countries that have led the way, and long may we continue to do so. This is so of most things to do with human rights. That is accepted by most thinking persons around the world.

The United Nations is not a perfect body by any stretch of the imagination, but I suppose conventions like these are better than having nothing whatsoever. I am not going to go into paragraph (3). Mrs Cross has amply explained why we need to support her amendment. It probably would be sensible, as has been mentioned by some of my colleagues, Mr Speaker, that when we come to vote on this motion we divide it seriatim.

Question put:

> That **Mrs Cross'** amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 10	
Mr Cornwell	Mr Smyth	Mr Berry	Ms MacDonald
Mrs Cross	Mr Stefaniak	Mr Corbell	Mr Quinlan
Mrs Dunne		Ms Dundas	Mr Stanhope
Mr Humphries		Ms Gallagher	Ms Tucker
Mr Pratt		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Amendment negatived.

MS DUNDAS (5.39): I am incredibly heartened that every single member of the Assembly voted on this issue. I think that is a very good sign.

A number of points have been raised in this debate, and I am almost at a loss to know where to start in addressing them. As was mentioned, this is Women's History Month, when we recognise women in history who are normally ignored in our schools in the teaching of history. We have to find women to look at in our history books so that we can explain to people growing up today that women are an important part of our society.

We stand in this chamber almost 100 years to the day when women in Australia were granted the right to vote.

Mr Cornwell made the point that my motion is almost superfluous. As I have made claims that other motions in this chamber have been superfluous, I must say that I do not believe that women's rights, freedoms from discrimination and protecting human rights are in any way superfluous.

Points were made about the UN committee system. It was noted that UN committees work outside their mandate, but my question for the federal government is: what is outside the mandate of human rights? Are human rights not something that we should all be looking at no matter who we are, where we come from or what is written in our job description?

The point has also been made that some countries with good records in women's and human rights have not signed the optional protocol and that some countries with bad records have. The point that we are making with this motion and that we are calling on the federal government to recognise is that ratification of the optional protocol indicates a commitment to improving women's human rights. We are asking the federal government to make that commitment.

There have also been concerns that CEDAW is unsound and that it raised concerns about awards being given out to mothers in Belarus. I cherish mothers and I cherish the fact they should be supported as part of our community. However, being a mother is not the only role for women in our society. The opposite of the concerns that were raised is: am I devalued because I am not a mother? Like every other woman in this chamber, I am a daughter, and I am incredibly proud of that. That is something we should be looking at.

Concerns have been raised about community consultation on ratification of UN systems. The UN specifically invites non-government organisations to be part of the UN process. The federal government has in many ways worked to hamper the work of Australian non-government organisations in the field of women's human rights. The role of non-government organisations is community consultation, but sometimes this is not happening.

This debate has been quite amazing. Some concerns were raised that we should not be having this debate in this chamber, but, as always, we must think of the slogan, which is quite relevant, that we must think globally but act locally. That is what my motion does today.

Just because we have led the way in the past and been one of the first countries to have the right for women to vote or because we in the territory were the first state or territory to allow a woman to lead us it does not mean we should now stop. We must push forward. This is not about appealing to the lowest common denominator or comparing ourselves to the lowest common denominator. It is about raising the standard for women's rights.

Now is the time to be active, to stand up and to strongly argue for women's rights internationally as well as in national and local spheres. This is at the core of my motion. I commend my motion to the Assembly and thank all speakers for taking the time to participate today.

Mr Stefaniak: Mr Speaker, I wonder whether I can move that we vote on paragraphs (1), (2) and (3) of the motion seriatim.

MR SPEAKER: You can do that, Mr Stefaniak, but I remind you that the Assembly has already decided upon paragraph (3). You would be asking the Assembly to reconsider that.

Mr Stefaniak: I would just ask the Assembly to consider each paragraph seriatim, with no more speeches. Vote on paragraph (1), then paragraph (2), then paragraph (3). That happens quite often.

MR SPEAKER: You can move that way.

Motion (by **Mr Stefaniak**) put:

> That the question be divided.

The Assembly voted—

Ayes 8		Noes 8	
Mr Cornwell	Mr Humphries	Mr Berry	Ms MacDonald
Mrs Cross	Mr Pratt	Mr Corbell	Mr Quinlan
Ms Dundas	Mr Smyth	Ms Gallagher	Mr Stanhope
Mrs Dunne	Mr Stefaniak	Mr Hargreaves	Mr Wood

Question so resolved in the negative, in accordance with standing order 162.

Original motion agreed to.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 5.52 pm.