DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

7 May 2003

CONTENTS

Wednesday, 7 May 2003

Wednesday, 7 May 2003

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.

Gaming Machine (Political Donations) Amendment Bill 2003

Mrs Cross, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MRS CROSS (10.33): I move:

> That this bill be agreed to in principle.

Mr Speaker, in presenting the Gaming Machine (Political Donations) Amendment Bill 2003, I apologise to members for my croaky voice. This bill is a most significant step in ensuring that the revenue gained from the use of gaming machines in the territory is used in the way it should be, that is, in contributing to the wellbeing of our community.

This bill aims to remove the right of community clubs that have gaming machine licences to donate to political parties or individuals standing for office. This bill will assist in ensuring that the honesty and integrity of this place are upheld by removing any perception that political favours may be done for institutions that have gaming licences in exchange for monetary gain or other support. This bill will ensure that community organisations that have been given the opportunity to gain revenue from gaming machine licences use that revenue to support community organisations, not political parties or individuals of any political persuasion.

One of the major reasons for denying privately-owned hotels, taverns and other institutions, such as the Canberra casino, the right to obtain gaming licences is that clubs supposedly put their profits back into the community. If this is to continue to be the case, we as an Assembly must be seen to be ensuring that there can be no perception of favour done for any individual or party in politics.

I am in no way suggesting that any ACT government, past or present, has in any way been less than honest in its dealings with gaming machine licences. However, this does not mean that this could not happen in the future. Furthermore, if gaming machine licensees are no longer donating to the political process, there will be more funds available to invest back into the community.

The fifth Gambling and Racing Commission report stated that the total amount of contributions to community groups by gaming machine licensees was down nearly $800,000, with charitable organisations, welfare safety and social services being the biggest losers. This was despite profits from gaming machines being up by more than $3 million on the previous year.

I do not want to single out any particular party, individual or club with this bill. Both major parties receive sizeable donations from gaming machine licensees. However, to highlight the amounts paid out, this one instance clearly shows the type of money the community is missing out on. Figures from the ACT elections annual financial returns show that the Canberra Labor Club donated almost $800,000 to the ALP between 1997 and 2000.

Whilst this piece of legislation does not go as far as including the Gaming and Racing Commission's commendable recommendation 14 in its review of the Gaming Machine Act 1987, which mandates minimum contributions to community groups and welfare organisations, it does limit the freedom of clubs in how they distribute gaming machine revenue.

Donations to political parties or candidates do not benefit the community. Hence, a prohibition should be placed on this use of gaming machine revenue. This bill, the Gaming Machines (Political Donations) Amendment Bill 2003, does exactly that. I am sure that all members who have supported this principle in the past by allowing clubs to maintain their monopoly on gaming machines will be supportive of upholding it again. I encourage all members to support the Gaming Machine (Political Donations) Amendment Bill 2003.

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

Long Service Leave (Private Sector) Bill 2003

Mr Berry, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR BERRY (10.37): I move:

> That this bill be agreed to in principle.

The bill I introduce today is the Long Service Leave (Private Sector) Bill 2003. This bill, if successful, will deliver on a solemn promise made by Labor in 2001 that it would put in place such a scheme if it were elected. It is a bill to provide a long service leave scheme for private sector workers not already covered by schemes in the building and construction industry and the contract cleaning industry.

It will be an affordable scheme where the entitlements of workers are held in a secure fund to protect them against sharp business practices and company failures. Like the existing schemes, it will be managed by a tripartite board from government, business and the unions. This bill will not increase the private sector long service leave entitlement, but it will improve workers' access to it.

Mr Deputy Speaker, who will forget the faces of workers and their families affected by company collapses when their hard-earned entitlements evaporated in front of their eyes? I am reminded of this when I reflect upon the collapse of the Woodlawn mine and the years of struggle by those workers for recompense when they should have

received it straightaway; of the Ansett workers, where the failure of that airline had led to the disappearance of their entitlements; and of national textile workers.

Those are the headline issues that we hear about. It was only the organisational strength of those workers and their unions that led to them receiving anything at all. But in the end the liability for these high-profile collapses was left with the taxpayers and the travelling public, because there was inadequate protection for the employees' entitlements within the corporate framework.

These are the high-profile collapses. We do not hear much about smaller enterprises which collapse and leave workers and their families without their hard-earned entitlements. One example of this was highlighted in the ACT when the Florey Medical Centre went into receivership some years ago. Once again, workers' entitlements evaporated. I shared the dismay, the frustration and the sense of injustice suffered by one of the workers from the Florey Medical Centre and I promised that I would continue to work to protect workers' entitlements.

Also affected are the workers employed on contracts. They can be casual workers in part-time jobs while they study, they can be the increasing number of people on short-term contracts, or they can be in an industry where three to five-year contracts are the norm. These workers do not get access to long service leave.

That is a particular problem in industries where people perform the same job year in, year out, but where there are routine contract changes. For these workers, the situation is that they can do the same job, often in exactly the same workplace, but never accrue long service leave. We had examples of that when we met workers in this situation when we were debating the Long Service Leave (Contract Cleaning Industry) Act in 1999. One of these workers, as I recall, had been doing the same job for 25 years without a long service leave entitlement.

This story repeats itself among transport workers, retail workers and clerical workers. Governments add to the problem in the private sector when they contract out government work and entitlements formally in place for workers are lost when they move to the private sector. This Assembly has a proud history over a number of years of securing, improving and guaranteeing long service leave in the private sector. As our private sector grows, we need to continue that work.

Our Assembly work on long service leave began when we increased benefits for workers under the building and construction industry scheme in 1996. Following that we passed the Long Service Leave (Contract Cleaning Industry) Act 1999, which set up a scheme for the cleaning industry in the ACT. That Act was modelled on the scheme in place in the ACT building and construction industry since 1981. The building and construction industry long service leave scheme went on to become a national scheme whereby building workers can earn long service leave credits in any state or territory except the Northern Territory.

As an aside, I recall a dispute in the ACT in the early 1980s during the construction of the new Parliament House when workers argued strongly for portability and the government of the day had not delivered that portability to the territory. Indeed, there was a lengthy stoppage on the Parliament House site. It was, I think, around the

erection of the flagpole. Eventually, those well-organised workers won and portability under the building and construction industry scheme was extended to the Australian Capital Territory.

This is a sign or signal, if you like, of the incremental improvements in access to long service leave which have been occurring over many years. The concept of long service leave goes back to before Federation in the 19th century when employees of the crown became entitled to three months paid leave after a number of years service to take account of the sailing time for a return trip to England.

The modern interpretation is much more recent, with the original long service leave legislation being enacted in New South Wales in 1955. It was introduced at a time when a job for life was common and it recognised that, after a long period at work, workers needed a break to refresh and reinvigorate themselves before another long period of work. Moving between employers does not remove the obligation for a just society to provide workers with a break to refresh and reinvigorate themselves after a long period of work.

If I may, Mr Deputy Speaker, I recall an uncle of mine who at the age of 14 left school and went to work in one of Lord Vestey's imperial meatworks. He worked in that meatworks in the same department until he was 65. Those days are gone for the most part and workers now move more and more between employers. Workers in the ACT private sector are eligible for 12 weeks long service leave after 15 years of service. Public sector workers are entitled to 12 weeks after 10 years. The 1996 amendments to the building and construction industry scheme increased the entitlement in that industry from two months after 10 years service to three months.

The work environment has changed markedly since the 1950s when long service leave was introduced. Job security is a thing of the past. The concept of a job for life is now rare. Many more workers are on temporary, short term and casual contracts. Workers can have several employers at once or over a year. Those in full-time employment are working longer hours, with less paid overtime. Penalty rates for out-of-hours and weekend work are disappearing.

We now have the situation where people are working longer hours under increasing pressure to be more productive, but with little or no job security. The increased stress, pressure and uncertainty in the workplace add up to a case for greater need for workers to have access to leave, but many miss out altogether on long service leave, even though they work continuously for much more than 10 or 15 years at a time.

More than 90 per cent of the employment growth over the last 20 years has been in casual and contract work that does not accrue long service leave. The work patterns are changing, often with the aim of reducing costs by minimising workers' entitlements, but this does not remove the obligation on society to provide just outcomes for its workers. This bill creates a level playing field for employers and rules out the minimisation of long service leave entitlements to make an enterprise more competitive.

According to the Australian Bureau of Statistics consolidated labour force figures, the work force in the ACT is 182,000 strong. The ACT government employs 18,000

workers and the Commonwealth 56,000, leaving around 100,000 workers in the private sector. For workers in the public sector, long service leave is an important employment condition. Not only are they entitled to 12 weeks long service leave after 10 years service, but also the condition is portable. Public sector workers carry their entitlements with them across ACT departments and agencies, between the ACT and Commonwealth public sectors and even from other states and the Northern Territory.

An examination of the ACT public sector management standards on long service leave portability for ACT public servants will show that the list of public service departments and agencies across the country extends to 799, as well as every school, university and hospital in the country. The list includes zoos, railways, banks, quarries, art galleries, TABs, bus and rail systems, film corporations, state rifle associations, local government and airlines. The Commonwealth list is simpler and extends long service leave portability to any employee of a state or territory or an agency of a state or territory. Now, that's portability!

To illustrate the disadvantage of private sector workers, take a public sector worker who starts work as a labourer, moves to a clerical position and then goes on to a position with another state or territory before coming back to the Commonwealth. This worker has all this service counted as long service leave. A cleaner in a shopping centre who gets a retail job in a shop in the centre, moves to a clerical job in some professional suites and then to a managerial position in a shop does not accumulate long service leave for all of those jobs.

Long service leave in the building and construction industry and contract cleaning industry is not so generous in its portability. For workers in these industries, portability extends across employers in the single industry. Of the two schemes, the building and construction industry scheme is more longstanding. It has been in place in the ACT since 1981. I remember the struggle to get that portability, as I alluded to just a moment ago.

It is a national scheme, with building and construction workers carrying their entitlement with them when they move interstate. Over the time that scheme has been in place the building industry has not suffered, as was often predicted, but has grown. Employers have seen the benefits of a level playing field in tendering. They all pay the same rate to cover their employees for long service leave, so they cannot be undercut by less scrupulous employers.

Employees in the industry have seen the benefit of earning long service leave credits while they work on a number of jobs for different employers, even in different states. They have also seen their entitlements increase because of the growth of the fund. Their entitlements have been protected against bankruptcy, so the taxpayers and the travelling public have not had to foot the bill when companies have failed, as they did for workers hit by the failures that I mentioned earlier—Ansett, National Textiles and the Woodlawn mine. My efforts on behalf of workers in the contract cleaning industry in 1999 have paid off, with their fund now up and running and their entitlements protected, and the contract cleaning industry has not failed because of this scheme.

The success of the contract cleaning legislation led me to have discussions with a range of unions covering private sector workers. They all had examples of workers

who, because of company failures or commercial contract changes, had missed out on long service leave. It was this consultation that led to Labor promising before the 2001 Legislative Assembly election that it would put in place a new private sector long service leave scheme.

Late last year, I circulated a draft of this bill to unions, employers and the Liberal and crossbench members of this Assembly. Since then, I have worked to incorporate amendments suggested as part of that consultation. I have been committed over my entire career in the union movement and in this Assembly to improving the lot of ordinary working people and it has been with a great deal of pride that I have introduced this bill today.

The bill that I have introduced today adopts the proven models in place for the building and construction industry and the contract cleaning industry. As I said earlier, it is a portable scheme where the entitlements of workers are held in a secure fund managed by a tripartite board from government, business and unions.

The fund is the product of a levy collected from all employers, held in trust for the workers and distributed in accordance with the provisions of the bill under the control of the board. The levy is set by actuarial assessments, a minimum of three years apart, and applies to all ACT employers and workers except apprentices and employees already covered by the building and construction industry scheme.

The levy in operation in the Long Service Leave (Contract Cleaning) Act 1999, which this bill repeals, stands at 2 per cent of salary. I expect that this will be the rate set in the early stages of operation of this new scheme. Experience has shown in the building and construction industry scheme that this rate will fall dramatically over time. For example, the building and construction industry scheme levy began at 2.5 per cent and has now fallen to 1 per cent, and the scheme has $40 million in reserves.

Finally, I would like to thank all the people who have helped in the preparation of the bill, including those who talked to me before the last election about the need for the legislation. I particularly want to thank the parliamentary counsel, who showed a great deal of patience with the demands that I served upon them in relation to this bill and brought to bear their usual skill, care and attention to what is, after all, a fairly complex task. I thank those who have scrutinised the bill and made suggestions to improve it, particularly the unions who recognise the need and those who already have a scheme and offered their expert advice, and all those others who wanted to ensure that this bill achieves its aims. I commend the bill to the Assembly.

Debate (on motion by **Ms Gallagher**) adjourned to the next sitting.

Legal Affairs—Standing Committee
Reference

Motion (by **Ms Gallagher**, by leave) proposed:

> That notwithstanding the provisions of standing order 174—

(1) the Long Service Leave (Private Sector) Bill 2003 be referred to the Standing Committee on Legal Affairs for inquiry and report by 23 September 2003; and

(2) on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

MR STEFANIAK (10.55): I want to put on the record that, whilst that may or may not be acceptable, Ms Gallagher has not actually asked me and no-one else has asked me as chair for my opinion in terms of the referral of the bill to the committee. At this stage, I would just like to know about the referral. Perhaps she could bring that motion forward tomorrow or later today and we can deal with it then.

MR CORBELL (Minister for Health and Minister for Planning) (10.56): It is for this Assembly to decide whether a bill should be referred to the relevant standing committee. Nevertheless, there are already precedents for this approach. Indeed, when I introduced the industrial manslaughter legislation as Minister for Industrial Relations late last year, I immediately moved for its referral to the Standing Committee on Legal Affairs. There was no objection at that time.

Mr Stefaniak: No, we knew that it was coming.

MR CORBELL: Neither did the government seek the agreement of the chair of the committee or the committee before doing so. I think there is a reasonable precedent for referral to occur. This bill does have wide-ranging ramifications for both employees and employers. It is certainly the government's view that those matters need to be properly considered by a committee of this Assembly before the Assembly further debates the legislation.

MR BERRY (10.57): As the member who proposed this bill, I would like to endorse its consideration by the committee. I think that that would be a wise move. Whilst a number of people have made a contribution to the development of this bill to this point, I think the formal procedures that a committee provides will assist in further exposing the bill to public scrutiny. I would urge the chair of the committee, Mr Stefaniak, to find comfort in the fact that he will be consulting with a community very interested in the outcome for its workers.

MR STEFANIAK (10.58): I seek leave to speak again.

Leave granted.

MR STEFANIAK: I have no problems with this bill going to my committee. In fact, I think that that is entirely appropriate for something of this nature and I thank the member concerned for supporting the suggestion that his bill go to the committee. I would, however, point out that in Mr Corbell's case I knew what was coming as chair of the committee.

I would also point out that it is common courtesy if the government or anyone else wants to send a bill to a committee to let the committee, at least the chair of the

committee, know that they intend to do so. In terms of the substance, I think that it is very sensible, as I said, to send this bill to the committee.

Question resolved in the affirmative.

Civil Law (Wrongs) Amendment Bill 2003 (No 2)
Discharge from notice paper

MS DUNDAS (10.58): Pursuant to standing order 152, I move:

> That order of the day No 1, private members business, relating to the Civil Law (Wrongs)Amendment Bill 2003 (No 2), be discharged from the notice paper.

Question resolved in the affirmative.

Public housing tenants—protection of rights and obligations

MRS BURKE (10.59): I move:

> That this Assembly calls on the Minister for Disability, Housing and Community Services, Mr Bill Wood, to ensure that the rights and obligations of ACT Housing tenants be protected, upheld and enforced in relation to their tenancy agreement.

An excerpt from Labor's website states:

> Labor believes the ACT residents on low incomes have "the right to live somewhere in security, peace and dignity". (Article 11 (1) of the United Nations Covenant on Economic, Social and Cultural Rights.)

In light of recent widespread antisocial behaviour by a minority of tenants within ACT Housing dwellings, the ACT government needs to be made aware, again, of its ongoing failure to identify and act upon its obligations as landlord to all ACT Housing tenants. I refer specifically to the prescribed terms, attachment A, of the Residential Tenancies Act 1997, section 70. The minister would, no doubt, be aware that for the benefit of all residents, both public and private, it is imperative that the fundamental terms as a whole are enforced and that there be insistence on the part of ACT Housing that all tenants abide by them.

If the minister says that he wants our public housing sector to be on a par with the private sector—that is, like the LJ Hookers of this world—in terms of what he is offering tenants, then he must lift his game in terms of maintenance. I hear of many properties being in a shabby state and in disrepair and of tenants having to wait inordinate amounts of time to have minor maintenance matters attended to. That is not acceptable, Minister. Tenants tell me that if the problems are not fixed, they become increasingly disheartened and wonder why they bother to report any problems at all. The minister needs to give his department the resources it needs to ensure that tenants' rights are being met by their landlord, this government, under the terms of their agreement in order that they, in turn, might meet their obligations under the same partnership.

Sadly, my motion today goes to more serious matters than maintenance. I have received a steadily increasing number of complaints, ranging from drug and alcohol-related crime, car theft, the injection of an illicit substance into a non-user resident mother against her will and bashing by another party while her child was present, frequent night-time explosions, loud and profane language during sleeping hours, vandalism, verbal and violent abuse by problem tenants of other tenants, including rape and bashings, child abuse, break and enter, armed robbery, crime networks operating between complexes, and so the list goes on.

All those complaints are coming from people who say that they have exponentially increased since Labor came to government. Minister, this is just the tip of the iceberg. As one tenant told me, the result of all this is that, aside from the human tragedy, the community as a whole pays the recovery price.

Contrary to the minister's recent reference to me as a member who projects all ACT Housing tenants as people who create disturbances and act in a manner contrary to their obligations to their tenancy agreements, I would like the Assembly to know for the record that I believe that the vast majority of ACT Housing tenants are law abiding and considerate members of the community who are very conscious of their rights and obligations under their agreements and live accordingly.

This is not about these people. If the minister were true to himself, he would acknowledge that the case I was making was not about them at all. The response by the minister for housing and police, Mr Wood, to my recent attack on the crime and drugs problem within many of our ACT Housing properties by a minority of tenants makes very clear that he is in denial over the real problems faced in ACT public housing dwellings and surrounding neighbourhoods.

Mr Wood claimed on WIN TV on 5 May 2003, "Yes, there are a few who create a problem." Exactly, Minister; just my point. Only a few are spoiling it for the rest of the many excellent tenants in the ACT. As the tenant of the month program bears witness to, we have very many good, law-abiding and responsible tenants who simply want to enjoy the peace and quiet of their own home, but are prevented from doing so by a minority antisocial element who rule with a reign of terror.

That is not an acceptable situation and the minister must address the problem before we witness tenants taking matters into their own hands. Believe you me, Mr Deputy Speaker, many are at this breaking point right now. I call on this minister and his government to clean up the unsavoury element in public housing to allow every tenant to feel safe and secure in their home and surroundings. That is not an option; it is a requirement of landlords. As such, the ACT government has a duty of care to these tenants that it is not currently abiding by.

Does the minister want to be accused of being a slum landlord? I think not. Minister, I am disappointed that you would let your department down in this way. Immense and extreme pressures are being brought to bear on some extraordinary people within your department. I understand that there is a problem with the regular turnover of staff and that, out of a specialist team of five, at one time three of those people were on stress

leave. Minister, does this not tell you that there are problems? What are you going to do to support your department more fully?

We in this place must all be aware by now of the recent police raids of public housing premises in Lyons, with more operations expected. This is excellent news and I am very pleased to see such action for the sake of many tenants who have been exposed to nothing short of terror in living near antisocial tenants. This needs now to be backed up by the minister in terms of enforcing tenants' obligations under their housing agreements.

I would like to say that I also believe that the people who are the perpetrators of this type of behaviour obviously need help and assistance to live. It is an indictment of the environment in which these people live that they found to their relief that it was the TRG, the Tactical Response Group, that raided these houses the other evening.

Minister, it seems that we are just shifting the problem. Moving tenants from one place to another is not the solution; it will not solve the problem. The criminal, antisocial element is running rings around you, the police and your department. Given that you have the unique position and opportunity of being the minister for both housing and police, you should be in a better position than anyone to address these matters and deliver results for your tenants as their housing minister and their neighbours and the broader community as the police minister.

I understand that you are one of only two ministers for housing and police in this place since self-government. The other one was Bernard Collaery, if Mr Stefaniak's information is right. I am also challenged by the fact that we have only spent 0.51 per cent of housing income on security. I ask the minister to review this allocation and address the issue of security as a matter of urgency.

Mr Wood accused me of casting a slur upon all housing tenants. That is simply absurd and outrageous, and he knows it. If only he would take time to listen to what I am really saying, he might learn something that would help him. However, he completely misses the point. Indeed, he has angered many residents with his comments. Either the minister is in denial of the reality and gravity of these serious problems, problems that are spread throughout ACT Housing properties in Canberra, or he is simply out of touch with the real world. Maybe it is a bit of both.

It is time for these problems to be faced by the minister and for the rights of the majority of good people to be adequately defended by this ACT Labor government, which, let me add, purports to stand on a strong social platform. If the minister is not up to the task, he should hand it over to someone who is. A little saying I once heard and try to live by is: lead, follow or get out of the way. Minister, which will you choose today? This is a serious issue.

Recently, I invited the minister to accompany me to meetings of some of the resident groups that I have been approached by as shadow housing minister in order to hear directly from these people about the antisocial activities and the dreadful lives they lead, all because of the presence of an unsavoury element. The problems are largely born out of the underlying substance abuse and crime culture and the majority of

tenants are being unreasonably forced to endure living hell on a daily basis, often both day and night. When will the minister deal with the problem and look after the majority?

I would suggest that once the minister has seen and heard first hand, then and only then will he begin to acknowledge and understand that these are very real and urgent problems and, hopefully, start to address them as a matter of expediency. The minister must understand that many tenants are being subjected to a reign of terror built largely through fear and intimidation. So bad is the problem that I am unable to provide this Assembly with actual names and addresses of the large number of tenants who have contacted me over some three to four months. They have specifically asked not to be named or identified for fear of reprisal and retribution. Please do not tell me that I am overreacting or exaggerating. I dare you to say that to those tenants who are experiencing this nightmare existence.

What would I do? I want to be part of the solution, a position I have maintained and I will always maintain. This should not be a political issue per se. I will keep going until I see some changes. I will work from the ground up. Parties on both sides must adhere to the tenancy act or suffer the consequences. The government must lead the way here. I am calling for a combined government, community and multidepartment approach. Our housing tenants deserve better and the problems are only increasing and worsening. What will it take? What has to happen before we see some action? You must act now, Minister. People are suffering and getting hurt out there as a result of your lack of leadership and inaction.

Again, the minister asserted, quite incorrectly, on WIN TV on 5 May that I was condemning all Housing tenants. Mr Wood, our Housing tenants are not that stupid. They can clearly see what you are trying to do. Please credit them with having some intelligence. The minister needs to open his eyes and take a good, long, hard look at precisely what is going on in his areas of responsibility. He is right on one count: a few are spoiling it for the rest. Minister, it only takes a few. We are talking about a transient group of people who move from one place to another to play their games of deals, threats, intimidation and fear.

Until a multipronged approach is taken to addressing the problems that do exist in these complexes, the rights of the law-abiding majority of tenants, around 11,500, will continue to be neglected. It is time to work together to find the solutions, to move beyond the rhetoric and empower the communities that do exist within, for example, ACT Housing complexes and to allow them to be able to go comfortably about their own business without enduring unreasonable and unjustified acts of antisocial behaviour.

Some complexes are trying their best to present solutions and stir up their neighbours to take a positive approach to this serious issue. They tell me that it is a little like pushing a barrow uphill, but they are prepared to give it a go with the underpinning support of government. Yes, it is difficult, but it is not impossible. Governments need to ensure that people are given every assistance possible to improve their situations in life. We are letting people down right now. That is not good enough; it is not acceptable.

Of most importance to me as the shadow minister for housing is that every ACT resident, public or private, is afforded the opportunity to live within a neighbourhood where they feel safe and secure and one that is not overridden by antisocial behaviour. This debate is not about the excellent departmental staff doing the very best they can under the current ministerial leadership. It is about the minister and his leadership and direction for this stressed department.

I want the minister to tell me today what he is going to do, firstly, to help tenants work through the anguish, pain and suffering of having to live and deal with those tenants whose lives evolve around crime, drugs or violence and, secondly, what he is going to do to assist those very same people who are living in a downward spiral. This is not about cheap political point scoring, scaremongering or protecting my job. It is about the 11,000 or so public tenancies in the ACT. It is about caring. It is about ensuring that we give the best service and protection we can to every single tenant of ACT Housing properties.

In closing, I again implore the minister to ensure that he abides by his own policy on housing, namely, that ACT residents on low incomes will have the right to live somewhere in security, peace and dignity—article 11 (1) of the United Nations Covenant on Economic, Social and Cultural Rights. I urge the Assembly to support my motion.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (11.13): Mrs Burke knows how to be offensive; she really does. Amongst the very first of her words, she said, "Give the department the resources it needs to do its job."

Mr Corbell: That, coming from the Liberal Party.

MR WOOD: From the Liberal Party. How can she say that? I cop it from a couple of people here. I show respect to Ms Tucker and to Ms Dundas when they talk about housing, because they have credibility. I think that almost the first thing Ms Dundas said when she came into the Assembly was about housing. I will be nagged by them. I mightn't like it always, but I have to cop it. But, coming from the Liberals, I will not cop it. When Mrs Burke stands up and says, "Give the department the resources it needs," she really makes me shake.

Mrs Burke: But you're in control now.

MR WOOD: Thankfully. You asked me at the end of your speech to say what I am going to do. I will throw the challenge back to you. What would you do?

Mrs Burke: I've told you what I want to do. Join me and let's do it together.

MR WOOD: Would you change Liberal policy to stop the downsizing of the public asset? Would you stop Liberal policy on the selling off of public properties, as I have stopped? Would you do that? Instead of the situation we had of public housing stock being nearly 12 per cent of all housing stock in Canberra, you were reducing it to

8 per cent. Would you come up with a policy that would keep resources within ACT Housing? One of your predecessors, I just forget which one, took $20 million out of ACT Housing over two years. The sum of $20 million was taken out of ACT Housing and, as well as that, we lost the matching Commonwealth funds.

That was a massive attack on public housing. Will you promise to stop that sort of activity in future? When Mrs Burke talks about resources, I get a bit twitchy. The last budget is modest in what it does for housing, I will say that, but it is still the best housing budget that we have had since self-government. That is what I will do, Mrs Burke; I will provide the best housing budget that we have had since self-government. I am still battling away on it; I am still working on it. I still want more resources. I am very grateful for what I get, but I will continue to add to it. So let's be clear about that.

The second thing I confess to feeling a bit twitchy about is the stereotyping. Mrs Burke's words were better today, but they have not always been good. She said, "Yes, I know that the overwhelming majority of our tenants are wonderful." It is good that that is being said in here, but what is the message that is getting outside?

Mrs Burke: It's the wrong message you're putting out, Minister.

MR WOOD: The message is in your media release. To do a bit of lecturing here, watch your words. It said, "Crime and drugs scene all too common in housing, says Liberal spokesperson." I emphasise the words "crime and drug scene all too common in housing". I noticed today when you spoke about the police raids in Lyons that you used the word "Lyons", but the words used a couple of days ago were the particular place where it was. Mind you, I have to talk to the police, as police minister, about identifying a particular place. I did not see it, but did you go and stand in front of the place where the police raid occurred?

Mrs Burke: No, it was in the *Canberra Times*, Minister.

MR WOOD: Did you stand in front of it for the media? Apparently, yes. This is about public stereotyping. I would just ask in relation to our joint effort here that you be careful with the words you use in the public domain. The very clear statements that you have made thus far publicly—you were a bit different in here today—are that public housing is bad news.

Mrs Burke: No, you're wrong and you know you're wrong.

MR WOOD: No, it is not wrong. Would you put out that heading again today, or would you be more careful in the heading and the public presence of what you do? I do think that Mrs Burke is prone to making fairly sweeping statements, generalisations, and that does create a problem for us. I have to say that in opposition I took a different approach from Mrs Burke's. I did not take a public approach. I, too, had quite a number of people coming to me about particular issues, whether in the complexes or in the suburbs, more in the suburbs, and my approach was always a quieter and more private one because I understood the difficulties of public perception in this sort of area. But everybody to their style. I say to Mrs Burke that she should think about reducing the sweeping statements.

Mrs Burke: Is this a critique of my motion wording or are you going to answer the—

MR WOOD: It was in your words today You began your speech with the words "recent widespread antisocial behaviour". There was some moderation in the words today. Perhaps that was because you had received the same calls as my office from people at Lyons saying, "We don't like having our name flashed up in the news." I just put that as a point to think of in the future. I encourage you to be active about housing—I really do like people to be active about housing—but I urge you to be careful about the words used, the stereotyping and the sweeping statements.

Mrs Burke: The same applies to you, Minister.

MR WOOD: Yes. I am very careful, actually. I am a bit of a pedant; I am very careful with my words. They are usually pretty modest and well-chosen and I am not prone to exaggeration. That is unusual, perhaps, for a politician, but it is certainly the case.

There is a problem in the community as a whole relating to drugs and crime. Therefore, in public housing there is a problem, and we deal with it. We deal as best we can with it. When people sign up to an agreement it gives them certain rights and obligations and it gives ACT Housing certain rights and obligations. Incidentally, one of the obligations of tenants is to pay their rent. It is one of the obligations they sign on to, might I say, so do not forget that amongst all the issues.

Mrs Burke: If they're not getting maintenance, why would they pay the rent on time? What is the incentive?

MR WOOD: We have paid attention, and I give credit to the former government for doing so, to particular problems that you can find in any large complex. You should be aware of some of the complaints that I am getting out of one complex in Canberra at the moment. It happens to be in the private sector, but complexes can bring problems. I bet you have all experienced that.

But what do we do? I won't mention names, but there was one place where things were developing in a way that we were not happy with and the tenants certainly were not. We put a specialist team in there for a whole three months. We added a lot of expenditure to that item. We separated the backyards of the ground floor units, we did some more landscaping, and we put in some measures to control through traffic. We put in some physical measures and we also put in some people to lend support, because the best thing you can do with housing is to build in support for the people.

The community is the best manager of a property. At a refurbished place I went to recently in one of our suburbs there is a wonderful community organisation. At another spot which was once a degree of a problem for one of Mr Stefaniak's successors—I think that Mr Moore was the minister at the time—there are wonderful gardens and there is a wonderful community spirit. Problems still emerge, but the situation is very much better than it used to be because the community in that complex

is working at it. There is a very good community at Currong. Members have probably been invited to a theatrical event there and witnessed the community working together. I have seen Mr Stefaniak there more than once.

ACT Housing puts a lot of effort and lots of resources into encouraging that sort of community development. That is actually the best way of doing it. When it comes to criminal matters, the advice is that they are problems for us, but they are primarily police matters. There have been a number of times when tenants have been, as Mrs Burke says, a bit coy about contacting police, and there have been quite a number of times over the years when I, whether in opposition or in government, have simply made a phone call or two to the police and said, "Look, I'm getting strong information about this particular place. Would you keep it under observation as you carry out your intelligence." That is the proper place to go when crime is involved.

From time to time, we take tenants through the necessary legal process to remove them from their tenancy when they create real problems. Other ministers will know that such cases are not easily won. Cases have been fought through and it is not always easy to win them, but we do go through that process. The ultimate sanction is to remove people from their flats on behaviour grounds. That option is always there and we can follow such a course.

I think that the best means of looking after a complex is to have the community working together. The second best is the one that Mrs Burke started with, which is putting resources into it. We are putting extensive resources into making these places better, a lot of money into making places better, so that people are proud to live there and, with that community aspect as well, they have community ownership. As Mrs Burke and I work together on this subject, I think that we should start to introduce her to some more of these fine tenants so the stereotyping and the sweeping statements do not continue.

Let me make a point about something else that was raised. Mrs Burke said that there were three specialist housing managers away on stress leave—another sweeping statement. I do not know where it came from. I can say that the advice I had instantly was that three were away at one stage, two actually on recreation leave, which is what happens from time to time, and one on sick leave. But there was no indication of stress. The absence was not on stress leave; it was sick on leave. With another sweeping statement, she is now casting aspersions on our fine specialist housing managers.

Caution is needed. I am not sure that our specialist housing managers would appreciate that sort of comment being made. There are only five of them, so we know who they are. When it comes to people, you have to be extraordinarily careful in what you say. Statements like that in the Assembly can be heard by people in government offices around the place who bother to listen or care to listen to the broadcast of these proceedings. Bear in mind the capacity for this debate to be heard widely. Let me make a correction in that regard, because people may have been offended. There were not three housing managers on stress leave. I will apologise to them.

Mrs Burke: I didn't mention housing managers. They were your words, not mine. I don't know where you got them from.

MR WOOD: I will take a look at what you said in your speech. You said three out of five, so make up your mind on that.

Having been shadow spokesman on housing for three years, developing a very deep interest in the subject in the process, and the minister for a year and a half, I am well aware of all the very good things about ACT Housing. *(Extension of time granted.)* I have to say that ACT Housing is a well-managed body. It is well managed, the people there are keen on their job and concerned about their assets. Their prime assets, of course, are people. I do compliment them. Mrs Burke said that I should give them more support. I believe that I am in there with them all the way as we carry on this important task of providing a most necessary asset and support to people in the ACT.

MS TUCKER (11.29): This motion calls on the minister to ensure that the rights and obligations of ACT Housing tenants are protected, upheld and enforced in relation to their tenancy agreements. I do not have a problem with that. However, I do want to distance myself from some of the comments by Mrs Burke. By supporting this motion, I am not necessarily agreeing with everything that Mrs Burke has said, although the issue that she has raised is not one that I think any member of this place would be unfamiliar with in that there are some problems in public housing complexes.

I agree with Mr Wood's concern about the language used. We have to understand that under the Liberal government in particular public housing has been targeted and the provision of it has been reduced basically to welfare housing. That means that you have a higher concentration of people with complex needs. Also, as the inequities in our society increase, conflict and antisocial behaviour are on the rise. That is the social environment in which we live and public housing has changed, in particular under the Liberal government.

To a large extent, this debate is about the language used. Mrs Burke referred to people being troublesome, an unsavoury element and problem tenants and spoke of the need to clean up public housing—the opposite of that is that it is fouled in some way—and a reign of terror. These unsavoury tenants, problem tenants or whatever are people with complex needs. The use of that sort of language might be offensive to some people because they believe that by saying that I am in some way not being sympathetic to the situation they are in when they are living next to people who are difficult neighbours. I want to put on the record quite clearly that I am sympathetic to their situation as well. I have taken calls over the years—not many, but certainly some calls—about particular situations in which people have not felt safe.

It can be just because persons upstairs play music loudly in public housing buildings and complexes that were not built or designed properly for crowded living. There may be complaints about drugs, but I have also had complaints about racism. We are dealing with social issues. I am concerned that Mrs Burke is just talking about drugs. Drugs are a problem, but there are other problems as well. I believe that we need to look at how we can enable people to live safely in their houses, but we also have to look at our responsibility to ensure housing for people who are very troubled.

I strongly opposed Mr Wood's attempts at one point to evict a particular family who were, apparently, bad tenants. That was the language coming from government at that point. I rejected that language because I knew that four children were going to be homeless out of that eviction. As a society, what sense is there in creating such disadvantage for young people in Canberra who have been traumatised during their childhood by a system that has not supported them and whom we will have to deal with later as they become adults? That family needed support and I will continue to argue for that support. Support is there to a degree from this government. New initiatives have been set up by this government to assist those sorts of people, families who need assistance or individuals who need assistance, but I do not think that there is enough of that at the moment.

We do need to have a positive approach to community development being taken by this government and every other government in dealing with the social issues in public housing. As I said, the environment has become more complex, due to the reduction by past governments of public housing stock and the targeting of housing of last resort. It is obvious that there will be complications with attaching stigma to public housing tenants. That is why I am also expressing the need to be cautious about the language that is used in this sort of debate.

Mr Wood talked about debt and I want to respond to that before I forget. Housing does deal with debt in certain ways that are supposed to assist tenants to meet their obligations. However, I think we do need to have a greater preventative approach taken to assisting tenants when they get into financial difficulties. There is a good program on that at the Belconnen Remand Centre. I think that it is called the preventing eviction program. From memory, it is part time and it is really just focusing on the issue at the crisis point. While that is good, it is not enough. We need to be having that sort of support earlier in the process.

The same thing applies to families or individuals who are in difficulty with drugs or whatever. Mental health is another one. I have taken a number of calls from people who are very concerned about the behaviour of a neighbour who has a serious mental illness. Let's call it that; let's not call them unsavoury elements or problem tenants. That person may also have a drug problem and we would have dual diagnosis issues. These are the people we are usually talking about. We in this place have to recognise that and get services in to support them. That means having more outreach workers for people with mental illness, it means providing more support for the people with drug problems and it means providing them with somewhere else to inject drugs.

I acknowledge that there have been some initiatives on that in this budget, but not enough. I am sorry, there are still not enough outreach workers and there are not enough drug and alcohol support workers. Winnunga Nimmityjah is still without real funding after this budget. One of the things that I am extremely upset about this budget is that that well-recognised need has not been addressed. That is a housing issue as well. As we all know, you cannot separate the social issues from the housing issues. That is the point I want to make on this issue. I support this motion. It means that pretty well every other minister in this place has to be involved and should be responding because it requires putting those fundamental social supports in place.

MR HARGREAVES (11.36): I rise to add my voice to that of Ms Tucker, who has made a number of hugely valid points about the nature of our public housing tenants and the responsibility we have to assist in giving those people a decent quality of life. We are all entitled to have a secure roof over our head. It has been well documented that the first step in making sure that people have a decent quality of life is to make sure that they have a home, somewhere to live. I have to say that since I have been in this place, some five years now, about 35 per cent of my constituent work has been around housing issues, priority placement issues, maintenance issues and just plain getting on the list.

In this motion the Assembly calls on the minister to ensure that the rights and obligations of ACT Housing tenants are protected, upheld and enforced. I have to congratulate Mrs Burke on bringing the attention of the Assembly to the wonderful things that the minister has been doing. I express my appreciation of that from the absolute bottom of my heart. The minister has been doing some pretty decent things, firstly, in opposition as shadow housing minister and, latterly, as minister. I will run through a couple of them.

It was this minister who introduced into the system five specialist housing managers. Those specialist housing managers are all about making the system easy for those tenants. They are all about helping people out when they get into difficulty. They are not part of another layer of bureaucracy. These people are actually mobile; they are out in the field helping people out. I am getting cynical looks from across the chamber. Just hold your thoughts for a second as I am going to give you a couple of examples of how that works.

A couple of people that I became very well acquainted with after January 18 live in an area of Kambah which was thickly forested with Housing premises before the fire went through and levelled the lot. Those people were Housing tenants. The next day the minister for housing was down there to make sure that they were all right. Very soon thereafter the Housing people themselves were down there, up to their knees in ashes, making sure that the tenants were looked after and relocated as quickly as possible. The people whose houses were damaged but not destroyed were comforted and were given assurances that their houses would be fixed.

I attended a meeting of 36 of those residents. All of them had high praise for the assistance they got from Housing, all of them. If people doubt my word on that, I would be happy to convene another meeting of those 36 tenants so that they can tell those people themselves.

Another example in roughly the same area is of a gentleman and his wife who are of Asian background and for whom English is not the second language, but the third. To identify their native Asian language would be to identify them, and I am not going to do that, but French is their second language and English is their third. These people are pensioners and they had difficulty in understanding the rental rebate regimes and the rest of the bureaucracy and got behind in their rent. What did Housing do about that? They sent an officer to the home of these people and they sat down and worked it through.

Occasionally, I get people complaining about ratbag elements in their streets. They always blame the public housing tenants. Sometimes it is true, sometimes it is false, but I have not noticed members of the Real Estate Institute going there and getting themselves dirty by trying to sort out social problems in the street. I have not seen members of the Housing Industry Association going down those streets and sorting out those social issues, working with the police, welfare services and a range of other support services, but I have seen Housing do so. The number of times I have convened cross-agency meetings and found the first person to arrive was from Housing is huge. What are they doing in running around this town? They are out there protecting, upholding and enforcing people's rights to a secure house.

We have to understand that ACT Housing isn't a welfare agency. It is a real estate company, but it does not regard itself as a real estate agent; it regards itself as a support mechanism to make sure that people's basic need for protection, for housing, is actually provided. Of course, this is part of the government's commitment to making sure that all the resources of government are available to people in need, whether it is health, education or community safety. It is part of that total package.

This side of the house will accept the motion from Mrs Burke and will not vote against it, but we do reject the words that were used in the speech. The words were a bit sweeping, a bit fanciful, unsubstantiated, remote and in my view unnecessary. If, in fact, there is a need to draw attention to a slight deficiency in the system, by all means do so; but do not bag the system out because, in my experience of five years in this place, I have never seen the system work better for those people in need.

I will give one final example. This happened when I was in opposition. In a perverse sense, it is congratulations to Mr Smyth, who was housing minister at the time. I had arrive on my doorstep a family from Kosovo, a mother, a daughter and two sons. The women in the family had been raped, the father of the family had been shot in front of them and the boys had been belted to within an inch of their lives before they escaped to the hills. With assistance from a number of people, they came back together, escaped from that area and came to Australia.

They lived with friends on the north side of town; I am not sure whether it was Ainslie or Dickson. But having 15 people in one house was just too much. After a while they found themselves on the street. They applied for priority housing and got nowhere. Only one member of the family spoke English well; believe it or not, it was the youngest boy. The older boy spoke a little English and neither of the women spoke any English at all. They came to me with the assistance of Mohammed Berjaoui, who is well known to many people in the Labor Party as a social worker in the town, and a magnificent man at that.

I phoned the minister's office and explained the situation to them. No, I tell a lie: I rang Housing first and they said, "Sorry, we've got nothing." I rang the minister's office and said, "We cannot allow these people to live on the streets." The officers in Housing bent every rule, searched high and low and by 4 o'clock that day they had accommodated that family. Do you know why they did that, Mr Speaker? It was because they are a compassionate, expert set of bureaucrats in whom I have to express absolute and complete faith.

I will not sit here in this Assembly and find, because of a lack of a bit of homework or the use of unjudicial wording, that these people and their efforts are slighted. I want the record to show that I think that the minister is doing the best job that I could possibly imagine and his department is following his example and doing a brilliant job, and they are indeed protecting, upholding and enforcing people's rights in relation to tenancy agreements. We will not oppose the motion, Mr Speaker.

MR STEFANIAK (11.46): It is good to hear the government supporting, grudgingly, this eminently sensible motion by Mrs Burke. Basically, Mrs Burke's motion asks the minister to ensure that the legal obligations in relation to Housing tenants are met by the department.

I turn to a couple of the points raised by other members. Mr Hargreaves went off at a bit of a tangent in relation to the Real Estate Institute. I do not quite see what he was trying to get to there. They do not have a contractual relationship with private tenants, unless they happen to be the landlord. Yes, you do get very difficult tenants. You get people who own houses causing all sorts of problems within our community. The problem is not just with public housing tenants; far from it.

In the private sector, difficult tenants are often evicted by the landlords for a plethora of reasons and problems. Some difficult people who own their own homes can cause problems. Occasionally, some of us live next door to them. It is a very significant problem. But with Housing, which is in a very difficult situation, the vast majority of tenants do the right thing. The vast majority of tenants are really wonderful people. Many of them, because they are in the lower income strata, often do it very tough, but they abide by their obligations, be they to pay rent or to ensure peace and enjoyment for others around them and do so with consideration.

That is why back in, I think, April 1995 I introduced the tenant of the month scheme when I was minister. It came about after a particularly shocking example of someone trashing a house in which they lived in Macgregor and then bolting. The media was very interested in the negatives there. I think we ultimately got the money back from that wayward tenant, but it certainly led me to take steps to try to show to the public that the vast majority of the tenants were good and some, in fact, were excellent. I am very pleased that the current government is continuing the tenant of the month scheme.

I make no bones about the fact that we inherited some significant problems in terms of debt and people simply not paying rent. That annoyed the vast majority of tenants who did pay their rent and did not expect to live rent free. Yes, we took stern steps: we evicted people. The evictions went up quite considerably, as did the assistance to people to prevent them from getting into that situation to start with through improvements to procedures within the department. I am very pleased that successive ministers, including the current one, have been continuing those measures.

From time to time—and it always distressed me somewhat when it happened—there were instances within public housing, as there will be for a landlord with about 12,000

houses, of very difficult tenants making life a misery for people around them, be they people in the private sector owning their own homes or privately renting, or other public housing tenants. You would see that especially in flat complexes.

I do recall that it was often very difficult to do too much. We would try conflict resolution, but that works only if both sides are prepared to go into it wholeheartedly. If one side is totally unprepared and unwilling to do that, you will get nowhere. Sometimes the problem would solve itself because some of these people who were an absolute nuisance or worse than that to their neighbours would also be bad rent payers and they would end up being evicted for the non-payment of rent and the problem would go away as far as the neighbours were concerned. But on occasions that was not the case.

In the 12 months or so that I was the shadow housing minister I noticed, and it concerned me greatly, that a number of Housing tenants who were having problems with their immediate neighbours who were also Housing tenants were prepared, if need be, to go to the tribunal to give evidence on behalf of the Housing Trust and the department if the department was seeking an eviction. I had never seen that before. It was always very difficult to get someone to go and give evidence against a neighbour who was causing them problems because they were scared or just did not want to get involved, which was quite understandable and quite common. But the number of people who are now prepared to do that regardless of the consequences, and some of them do it with some fear, is really quite disturbing.

I was pleased to hear the minister say today that on occasions the department will seek as a last resort to evict people from public housing. I accept that it is not easy to do that, but that is their duty. It is sad, but they do need to do that. If word gets around that this is being done and being done successfully, that will have a salutary effect on some people who might well make the lives of others a misery. That is something the department does need to do. I know that sometimes officers of the department are reluctant to do so, but it is something that they have to do to ensure that the rights and obligations of other tenants are upheld and, indeed, enforced in relation to the tenancy agreements.

Mr Wood said something about public stereotyping by Mrs Burke. I do not think Mrs Burke was doing so; far from it. Mrs Burke has a very compassionate rapport with the problems faced by many Housing tenants who come to see her. In her short time back in the Assembly she has been a tireless worker on behalf of what she regards very much as her constituency, the 11,500 or so Housing Trust places in the ACT and the people who occupy those places. She works tirelessly on behalf of those constituents, sometimes to the annoyance of the minister, but that is her job and she would be the last person who would wish publicly to stereotype anyone. I do not think that in my time in this Assembly, certainly since 1994, there has been anyone here who would want to go down the path of stereotyping public housing tenants.

Mr Wood: You never did.

MR STEFANIAK: I cannot think of anyone who has, Mr Wood. I think that we can be all quite proud of that, because it is quite wrong to do that. Nevertheless, there will be, unfortunately, in any community, especially in the large flat complexes, some

people who have immense difficulty, for whatever reason, with operating properly in a reasonably civilised society, who have no regard for the rights of their neighbours, who have maybe no concept of what they should do, which is sad.

There are the steps Ms Tucker talked about as to how that can be improved. Nevertheless, we do not live in a perfect world. There will always be incredibly difficult people who have no regard whatsoever for the rights of others. Whilst it is difficult, it is terribly important that the rights of ordinary Housing Trust tenants who may be affected by those people are protected, upheld and, if need be, enforced, as they should be, by both the tenancy agreement and things like the UN covenant that Mrs Burke's read out. I would encourage the minister to ensure that that continues to occur and, where need be, is enhanced and perhaps done more expeditiously, if possible.

I think it was timely of Mrs Burke to bring this motion to the Assembly. I thank her for doing so. I am very happy to know that this motion will be passed, as it should be.

MS DUNDAS (11.55): Mr Speaker, because Canberrans often live very close to their neighbours, particularly in medium-density and high-density housing, some invasion of privacy is the norm. I expect that we have all experienced problems caused by disruptive neighbours at some point and I can appreciate the frustration and distress caused by noisy and inconsiderate neighbours. But working out the boundary between acceptable and unacceptable impacts can sometimes be quite difficult.

An occasional noisy party next door that keeps you awake most of the night is probably within the bounds of reasonable intrusion, as is a neighbour doing some building work early in the morning. Losing sleep several nights a week due to a noisy neighbour probably is not reasonable, but there is a grey area between these two extremes.

Although ACT Housing tenants and private tenants have a right to expect action from ACT Housing where an ACT Housing neighbour is making their life a misery, the option of eviction should not be pursued lightly. The right to shelter, as has been stated a number of times in this debate, is a basic human right, and homelessness is strongly associated with poor health, drug problems, gambling addictions, poor educational outcomes and a range of other problems. I understand that ACT Housing is well aware of their role as a landlord of last resort for many people who cannot find accommodation in the private sector. I believe that they do their best to be fair to all their tenants.

The kind of behaviour that causes problems for neighbours is often the result of mental health problems or addictions. Directing resources to helping problem tenants get their lives in order often could be a much better approach than a heavy-handed process to punish bad tenants. Eviction needs to be retained as a last resort, as I believe it is at present. But evicting tenants can just make situations much more worse. I say that in response to the debate that has gone on today regarding Mrs Burke's motion.

The motion itself asks the minister for housing to ensure that the rights and obligations of ACT Housing tenants are protected, upheld and enforced in relation to

their tenancy agreements. It is a motion that calls on the minister to do his job. That is fair enough. I had no doubt that the minister was —

Mr Wood: Doing his job well.

MS DUNDAS: The minister was doing his job, yes. I had no doubt that that was the case, so I was surprised to see this motion on the notice paper. The debate today has gone off the track somewhere as to what this motion is trying to do. I would suggest that, if there is a particular area that needs to be addressed with regard to how the tenancy agreements are enforced or written, or the role of ACT Housing in settling disputes, maybe the motion needed to be targeted more towards that so that we could have an informed debate about particular problems.

But, in terms of the work that ACT Housing is doing and in terms of the work that the minister is doing, I understand and appreciate that Housing is a difficult area and I believe that they are working hard to address the problems that are being faced by a number of people in our community. I will say that they could be doing more. I will always say that they could be doing more. That is a debate that we will have at a later stage, possibly in the context of the budget.

In terms of the debate that has gone on today, just to repeat, we do need to be careful of how we handle ACT public tenants. Many do have lots of problems in their lives and we need to see both sides of the coin. Eviction, stereotyping people, pushing them out into the corners can exacerbate problems and not lead to the resolutions that we are looking for where everybody has a roof over their head and is able to escape the poverty trap in which so many people in the ACT community are caught.

MR CORNWELL (11.59): I will not take up a lot of the Assembly's time. I support Ms Dundas' comment that this debate seems to have got off the rails a little. The minister spoke about the previous government selling off housing stock and Mrs Burke's comments being an attack on public housing. Neither of those statements had anything to do with the motion before the house. The motion is quite specific. Mrs Burke is simply trying to get some sort of justice for the 99.98 per cent of public housing tenants who are decent, upright citizens, who pay their rent regularly, who behave themselves, and who look after their properties.

We all know that there is a very small, a minute, number of people who cause problems. They do not necessarily have to be drug addicts. There are complex social problems out there. The minister would be aware that I have written to him recently on two matters—one in Belconnen and the other one in north Canberra—concerning complaints about the behaviour of Housing Trust tenants and these complaints have been made against them by other Housing Trust tenants. All that Mrs Burke is doing is asking that something be done to correct this problem.

Mr Wood: It's not what she's asking; it's what she's saying.

MR CORNWELL: Let me say that we are asking that something be done about this problem. Ms Tucker made some interesting observations about the social problems that perhaps are causing this antisocial behaviour. I think that her remarks should be taken aboard and considered. I know that these problems exist elsewhere in the

community. You can have a dispute between two neighbours in the private sector. But, and this is the difference, those in the private sector may have recourse ultimately to law. ACT Housing, however, has a responsibility to its tenants which the private sector does not. That is the difference.

Mr Wood: We have a greater responsibility, I'd maintain.

MR CORNWELL: Thank you. I accept the minister's interjection that ACT Housing has a greater responsibility. All that Mrs Burke is asking in her motion is for that responsibility to be accepted and that something be done to correct the problems caused by this infinitesimal group of Housing Trust tenants who are making life very unpleasant for their Housing Trust tenant colleagues or neighbours. I do not believe that that is an unreasonable request and I commend Ms Tucker's remarks that other ministers may have to be involved in sorting out these problems.

MRS BURKE (12.03), in reply: In closing, Mr Speaker, I probably need to say that it seems as though I have pushed the minister's button. He has a difficult job there. There needs to be a whole-of-community and whole-of-government approach. We do need to work together more. Never at any time have I said that we do not need to work together. It is not about us and them; we need to pull together.

Mr Wood, who is becoming very adept at putting words in people's mouths, particularly mine, said that that is a very dangerous thing to do in this place. In so doing, you unwittingly or otherwise implicate your own departmental staff and they, as you have told me, are unable to defend themselves. I suggest that you not make a habit of that because you need to listen to what I say, too.

Mr Hargreaves says that ACT Housing is like a real estate company and it should act like one. That's right. I think we need to lift the image to reduce the stigma and stereotyping. We need to be sure that we do act like one. That is what my motion is calling for. We need to work even closer with our tenants than we do now. You would obviously say that that was a positive thing, not a negative thing, to say, Mr Wood.

Mr Hargreaves mentioned, as did Ms Tucker, the language of the motion and my speech. There were strong words, and I do not resile from that. We have to bring the issues out into the open. I am sure that the minister would not just sit back and do nothing if the boot were on the other foot, so to speak. I saw seen him do otherwise fairly much on this side of the house when I was last in this place.

I do not believe that I have at any time ever offended any ACT Housing tenant in the way that Mr Wood is making out. I think that it is fairly preposterous for him to have that notion and say those things. I am not that type of person and I would not ever use public housing tenants in that way. I always have supported and always will continue to support those people in less than fortunate circumstances in life. Allow me to put on the record that, having started my life in a public house in England, I am well aware of the issues facing people wishing to get out of that spiral.

I said that those people who were faced with some challenges in life need extra support and help. Ms Tucker and Ms Dundas have alluded to that, too. I heartily agree

with that. I am trying to say that it is not about evictions. I did not mention the word "eviction", I do not believe, in my speech. I never at any time mentioned that.

The minister talks about stereotyping. Ms Tucker, as did Ms Dundas, talked about stigma and stereotyping. One thing I did forget to mention—maybe you will need to check on this, Minister—is why you allowed a letter to be circulated to all residents of Strathgordon Court advising them of a raid by the TRG, the Tactical Response Group? Many tenants rang me about that in a highly offended state. Obviously, as police minister, you would be aware through the AFP that they know the individuals that they were trying to target.

The particular lady who rang me was very relieved to know that it was the TRG bashing at her door and shining lights through her window. I think that is inappropriate and that is really the problem you are talking about, Minister. We have stereotyped by default by using a letter to everybody to catch a few, and that is exactly what I am saying. Do not shrug your shoulders and pull a face, Minister. These are the problems that people are facing out there. It is not just about people with a drug problem. My colleague Mr Cornwell is quite right on that. Mr Stefaniak made some really good points as a former housing minister who did a good job in trying to work his way through this difficult portfolio area.

There must be a two-way relationship. You talked about involving the community, Minister, but it is isolated, it is in pockets. We need to develop that relationship, nurture it and work on it, which needs energy. I was told by somebody in the AFP that we need an injection or a boost of energy into the area. It is going to take a strong commitment. It is not just a matter of saying that we are doing the best we can. I have appreciated the work of the department. I tell departmental staff that and I have told you, Minister. I give credit where it is due, and you know that. I am just saying to you that we are not following what we say we should be doing under the rights and obligations of the tenancy agreement.

I am thankful for the input of members to this debate today. The debate has brought issues out into the open and we can now do something about them. We can see about assisting those that need some help. We can get mechanisms in place. I hope that it will help you, Minister, by giving you a bit of vision and giving you some things that you can see about for the future. I will leave it at that, Mr Speaker. I thank members for their support and look forward to working with the government; in particular, the minister. The offer is still open: let's do some tours of places and talk to people.

One last thing I did want to say, Minister, was that that you said many times that I made sweeping statements when I bring to this place issues that you do not like hearing. I have a letter from a tenant at Fraser Court. I have many letters that I could have produced today. Again, I did say that many people in this difficult area, as you know very well, do not want to be identified, do not want their name spread across anywhere. I think that it was a bit churlish of you to say that I make sweeping statements when you jolly well know that perhaps I cannot be as open as I would like to be.

I thank members for their support of this motion.

Motion agreed to.

ACT WorkCover—school cleaning services audit

MS DUNDAS (12.09): I move:

> That this Assembly calls on the ACT Government to table the ACT WorkCover audit of school cleaning services by end of sitting on 8 May 2003.

Mr Speaker, I believe that all members would be aware of the recent public debate about cleaning standards in public schools. Both the ACT council of P&Cs and the LHMWU raised concerns about the standard of school cleaning under the school-based management regime.

I have no doubt that every person here would agree that adequate hygiene standards in schools are essential, because the health of children is at risk if hygiene is neglected. We had quite recently from the Health Committee a report on their investigation into the health of school-age children. They flagged in their report the need for high hygiene standards in our schools to ensure that our children are getting their education in buildings of a clean standard.

Prior to 1997, the department of education administered cleaning contracts for our public schools. This system ensured a high standard of cleanliness and ensured that the successful tenderers adhered to all legal requirements, such as those relating to wages and occupational health and safety standards.

School-based management was introduced in 1997 in the belief that it would improve flexibility and efficiency at the school level. School cleaning contracts were among the matters delegated to individual principals under this system. It is clear that in some schools at least both cleaning standards and the work conditions of cleaners have suffered as a result.

The government apparently recognised last year the shortcomings in the system and ACT WorkCover was commissioned to audit school cleaning across ACT public schools. The WorkCover report was completed in February 2003 and presented to the department of education the same month. The unions were led to believe that the report would be made public very soon after it was presented to the department of education. Instead, it seems that the report has been stuck in a bottom drawer.

The motion I have moved today is quite simple. It just calls on the government to honour its commitment to allow the community to see where the problems are with school cleaning services and how they can be fixed. The WorkCover report is already complete and we understand that prompt action is needed. I urge this Assembly to support the motion to help get the ball rolling, to have all information out in the open, in public, so that we can see what WorkCover has said about the hygiene of ACT public schools and that we can start to develop ways of addressing the problems that are there and move on in a spirit of cooperation because, as I said, the cleanliness of schools is something that we all agree needs to be maintained at a high standard. I believe that having the report tabled in the Assembly—I have put in the motion that

that happen by the close of business tomorrow—will allow us to have the information publicly and to move forward.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (12.12): The government will be supporting the motion put forward by Ms Dundas. WorkCover undertook inspections of cleaning contractors working in ACT government schools over a four-month period—from October 2002 to January 2003. Inspections were carried out in 29 schools and covered most cleaning contractors who have school cleaning contracts.

A WorkCover report was provided to the Department of Education, Youth and Family Services. Individual cleaning contractors and principals have received the part of the report that relates directly to their operations and sites. The investigations revealed a number of areas where improvements are required. These are mainly around monitoring and compliance with the contracts, particularly in relation to occupational health and safety requirements.

Contrary to Ms Dundas' claim that this report has been stuck in a bottom drawer, it has not. The report provided recommendations on the safe handling and use of chemicals, electrical safety, manual handling, the handling and disposal of infectious waste and sharps, and the provision of first aid facilities. Representatives of WorkCover and the department briefed all school principals concerning the report on 1 May this year. The briefing included information on the action that needed to take place to implement the WorkCover recommendations.

Before the end of this month, the department will be checking with schools that action has been taken to implement these recommendations. Also, the department will be meeting with all cleaning contractors at the end of May 2003 concerning the WorkCover recommendations and to outline the revised arrangements regarding cleaning in ACT schools.

Mr Speaker, I have another interest in this issue, that is, as Minister for Industrial Relations. I have asked the Occupational Health and Safety Commissioner, Ms Plovits, to provide me with advice from her perspective on the progress in addressing the findings of the report. To quote from the commissioner's letter to me:

> The Department of Education has been in liaison with ACT WorkCover to develop a comprehensive implementation action plan and I am satisfied that these improvements are being made.

The commissioner then provided details of a nine-point implementation action plan and stated:

> These are significant steps forward in achieving compliance with the Act.

The department and ACT WorkCover will continue to work closely in a cooperative manner. Furthermore, a schools facilities support unit has been established within the department to support schools in contract management generally and school cleaning contracts in particular. This unit will have responsibility for overseeing the implementation plan.

WorkCover has provided us with a thorough and helpful document on how we can improve the safety practices and contract management with school cleaners. The department is taking its advice seriously and has already acted to improve the compliance. It is very important not to cause unnecessary alarm in school communities.

WorkCover traditionally does not publicise its reports. That, from my discussions with WorkCover, has been because evidence has shown that compliance can be progressed with employers a lot easier and be a lot more beneficial to consumers or employees if WorkCover works cooperatively with the body or organisation on which it has done the report.

However, in this case, as Ms Dundas said, there is interest in the WorkCover report and the government will be tabling the report, in line with Ms Dundas' motion, by the end of the sitting tomorrow. As I said, it is not common practice for the commissioner to make her reports on workplaces public, but I understand the interest in this one and we are happy to make the report available. I am also happy to table the advice provided to me by the commissioner. If members would like a more detailed briefing, I would be happy to provide for that as well.

MR STEFANIAK (12.16): The opposition also will be supporting Ms Dundas' motion. Obviously, the manner in which cleaning services have been provided in schools for a number of years is an important issue. I think it is timely that we have this audit report for study so that we can see what needs to be done.

The opposition is quite happy to support this motion. We will wait to see what comes out of it. We would not want to see people overreacting, but it is very important that the report on the audit be tabled. I am glad that the minister is going to do that. It is probable that a more satisfactory situation will come out of this procedure. As Ms Dundas rightly says, it is about a terribly important issue and is very much a health issue as well.

MS TUCKER (12.17): I support the comments made by all the speakers. Recently, the Health Committee completed a report on the health of school-age children in the ACT. The committee found that the use chemicals in the school environment is relevant to the question of the health of school-age children. It is also, obviously, an OH&S issue. In that report, the committee said:

> Toxins in the environment can cause headaches, nausea, dizziness, eye, nose and throat irritation, inability to concentrate and irritations, in the longer term they have been linked to cancer, anaemia, birth and reproductive problems and liver and kidney disease.
>
> Evidence also suggested that air quality and other environmental factors can have an impact on the health and behaviour of children with attention deficit hyperactivity disorder.
>
> The National Occupation Health and Safety Strategy 2002-2012 signed by Simon Corbell MLA, the then Minister for Industrial Relations, sets a national priority for action as the prevention of occupational disease more effectively. It

> provides that employers must provide a safe environment, employees must work in a safe manner and that manufacturers and suppliers must provide safe products and equipment.
>
> The Committee considers that the Government has a responsibility to not only provide safe schools for children, but safe working environments for teachers. However, the Committee received evidence that chemical audits are not being taken seriously, and records are not being kept on the type and nature of furnishings used in school renovations.

The furnishings and so on are not quite relevant to this debate, but I am reading directly from the report because I want to get this section on the record. The report continues:

> There are numerous resources to assist schools to undertake a chemical audit and should the Government fail to act on the following recommendation, the Committee encourages schools and school communities to take an active role in leading the push to remove or reduce toxic threats to children's health.
>
> The Committee notes that the Government does have policies in place regarding the use of chemicals in schools, including for pest control and cleaning and those chemicals used in class such as science and art. However, this policy needs to be extended to cover ventilation, insulation, use of low-emission building materials and furnishings and food additives.

We recommended:

> … that the Government, as a matter of urgency, undertake an occupational health and safety audit of all government schools which includes a chemical audit addressing all potential environmental hazards such as toxin levels and emissions from buildings and furnishings and chemicals used for cleaning and gardening.
>
> The Committee further recommends that the Department of Youth and Family Services commit to a stronger oversight role to ensure that policies pertaining to environmental hazards, use of chemicals and safe building materials are adhered to by employed contractors and consultants.

That is getting to the issue of requiring very high standards if we are contracting out this work In particular, the committee was focusing on the need to appreciate the importance of looking at the chemical audit and understanding what substances we are putting into the school environment for the sake of both the children and the staff.

MS DUNDAS (12.21), in reply: I thank members for their support for this motion. I thank the minister for indicating her willingness to table the report and I appreciate the desire of everybody in this chamber to have clean schools, including clean toilets in our schools. I was particularly pleased to hear the minister talk about the implementation of an action plan to follow up on the recommendations of the WorkCover report. I do believe that an important part of any report is that we actually follow it through. Hopefully, that will lead to the outcome that we all want, which is a high standard of hygiene in ACT public schools.

Ms Gallagher presented the following papers:

ACT WorkCover—School cleaning services audit—

Programmed Inspections of Cleaning Contractors in ACT Public Schools—Report—October 2002—January 2003.

Copy of letter from Occupational Health and Safety Commissioner, ACT WorkCover, dated 6 May 2003, to Ms Katy Gallagher MLA, Minister for Industrial Relations.

Motion agreed to.

Sitting suspended from 12.22 to 2.30 pm.

Distinguished visitor

MR SPEAKER: I acknowledge the presence of Senator Andrew Bartlett in our gallery. Welcome, Senator.

Questions without notice

Health funding

MR SMYTH: Mr Speaker, my question is to Mr Corbell, the Minister for Health. Minister, on 2 May 2003 you issued a press release calling on the federal government to match the ACT's growth in health funds, which you claimed was 5 per cent in real terms. The offer that you spurned from the federal government was 7 per cent growth funding to the ACT provided that you matched it. In next year's budget you increase public hospital funding by 3 per cent and by only 2 per cent in 2004-05, which is not enough to keep up with inflation let alone increases in health costs. Did you knock back the Commonwealth's very generous offer on health care funding because you could not match the offer in terms of growth funding?

MR CORBELL: I am very pleased to have received this question from Mr Smyth because it gives me the opportunity to put to bed some of the, I think, completely false suggestions that Mr Smyth has been making in the wider community. Mr Smyth is reported in the paper today as accusing me and the Labor government of tinkering with the health budget. If there is a comparison between my tinkering and Mr Smyth's tinkering, I think I will take my tinkering any time. The reason for that is that I have had the department of health do some analysis. For that part of financial year 2001-02 when Labor was first elected to office, funding for public hospitals rose by 10 per cent; in 2002-03 by 2.7 per cent; and in 2003-04 by 10 per cent—on average, an increase of over 7 per cent per annum. Since Labor has come to office there has been an average increase of 7 per cent per annum just in our public hospitals.

Compare that with the last two years of the Liberal government. Did they get anywhere close to 7 per cent in their last two years? No, they did not. In fact, the funding for public hospitals increased by only 4.05 per cent. Compare that to an average of 7 per cent for the three financial years that Labor has been responsible for

since it was elected in October 2001. That is this government's record, and it is a strong record. For Mr Smyth to claim otherwise is simply to perpetuate a hoax on the Canberra community.

Mr Speaker, the federal government's offer provides nationally $1 billion less for public hospitals than the federal government put into their own forward estimates. That is what we are being asked to swallow. Well, it is not good enough to reduce public hospital expenditure nationwide by a billion dollars and expect the states and territories to cop it.

Mr Smyth is so desperate to protect his own minister federally that he is attempting in a puny and pathetic way to put pressure on this government to sign up to what is a poor deal for the ACT. It is a poor deal for the ACT because it does nothing to improve GP services. There is no specific assistance to improve GP services in the ACT, no specific assistance to improve bulk billing in the ACT and no specific assistance to improve aged care bed facilitation in the ACT.

Without those things being addressed, this will be a poor deal for the ACT. It will not reduce pressure on our public hospitals. We need those issues to be addressed and that will be the approach I will be adopting in my negotiations with the federal minister.

MR SMYTH: Speaker, I ask a supplementary question. To justify his figures, will the minister table the advice that he has received from the department?

MR CORBELL: Perhaps you will have to FOI it for him. You have FOIed everything else.

Homelessness

MR HARGREAVES: My question is to the minister for housing. Minister, the Canberra *Chronicle* raised in its previous two editions the serious issue of homelessness in the ACT. In these articles, the *Chronicle* alleged that there are 1,500 people in the ACT that are homeless. The ACT Poverty Task Group, the government's *Needs analysis of homelessness in the ACT* and the recent standing committee report, *Accommodation and support services for homeless men and their children*, also highlighted the issue of homelessness.

Surely, Minister, the time for analysis, review and report is over. What concrete action is the government taking to address this most serious issue?

MR WOOD: Quite a deal. It is a timely question—especially as I heard the question earlier today: what am I going to do? What I am going to do is move to address the neglect of earlier years. Homelessness is a problem. It has been identified that up to 1,500 people are homeless. That means they do not have a home that they own, have a lease to or are able to live in. They might be bedding down with relatives or friends; couch-hopping—or whatever the word is—or sleeping rough.

It is a significant problem. It has been identified in all the reports that have been done, and we are doing something about it. We have many years of neglect to make up for, and we are taking steps to do that. In yesterday's budget, you heard Mr Quinlan

announce that we are providing an unprecedented $13.3 million over four years to address the problem. The fund targets the priority areas mentioned in the reports you quoted, Mr Hargreaves, and that is much needed.

Those reports have provided guidance to us in the development of a vision of an integrated response to this complex issue. A homeless advisory group, comprising community and government representatives, is working on the government's first homelessness strategy. But we are not waiting for that—we will obviously be attending to it—we are providing the money now: $13.3 million over four years. That is one aspect of what we are doing broadly in the area of housing.

The initiatives in our proposal will address the root causes of homelessness and seek sustainable solutions to the problem by assisting people to gain independent living skills and reducing the likelihood of recurring homelessness.

A total of $2.4 million will be expended in the coming financial year to support homeless families, men and couples—through the provision of short-term supported accommodation places. This component increases the quantum of supported accommodation available to people in a crisis that can often be lifelong and, increasingly, generational. In the first year, an additional 15 supported houses will be available for individual families. A further 10 medium-term places will be available for single men, and crisis accommodation for six couples will be available.

The proposal includes strategies to ensure that the supported accommodation assistance program, SAAP, which we on this side know well, is well placed to respond to the needs of people, including children, affected by homelessness. Services will have increased capacity to respond flexibly to individual circumstances and, very importantly, to provide outreach support to people to maintain independent living arrangements, so that we stop the cycle of people moving in and out of supported accommodation.

The budget includes recurrent funding for a pilot advisory service to assist SAAP to ensure that service models are accessible and responsive to indigenous people, people with mental health needs and people from culturally and linguistically diverse backgrounds. Mr Hargreaves, we are attending to it.

MR HARGREAVES: My supplementary question is: as well as addressing homelessness, what is the government doing to expand housing options for those on a low income?

MR WOOD: We are doing quite a deal now carrying on programs. The government will continue to respond to the recent reviews into Ainslie Village, in particular to the potential for long-term housing options at that site. It will also work with residents, and Centacare, to address immediate fire and safety priorities. A total of $1.4 million over four years is provided to address those concerns. On a recent visit there I saw the newly finished adult night shelter, which will be operational by the end of June.

The well-known boarding house program includes accommodation for young people and single people, and there is the one for older women. An important initiative, which I announced a little while ago, was the integrated crisis and emergency

accommodation service, known as the Canberra Emergency Accommodation Service, CEAS, which commenced in February.

Lifeline has commenced a 24-hour, seven days information and referral service, which will be linked with emergency accommodation providers to provide up-to-date accommodation for families and individuals in need of accommodation. Anglicare operates an emergency accommodation fund to assist people with short-term emergence accommodation where no other options exist. Once again, Mr Hargreaves, we are out there working on that problem.

Education funding

MR PRATT: My question is to the minister for education. The ACT school community and we on the opposition benches have had to listen to months, indeed years, of rhetoric from the government about its commitment to spend the whole $27 million from the Liberals' free school bus program "inside the school gates". In the budget released yesterday we find that you, as education minister, have reneged on that promise. Indeed, Minister, at least $1.6 million is missing from the project for smaller class sizes, a project the Liberals initiated when in government and Labor promised to continue.

MR SPEAKER: Are you going to come to the question?

MR PRATT: I am almost there, Mr Speaker. The $1.6 million was supposed to include $1 million, taken out of the $27 million in last year's budget, as a capital injection for smaller K-3 class sizes. Also missing from the program is $600,000 the previous Liberal government invested to kick off the K-3 class reduction program. Where has this sizeable chunk of money gone?

MS GALLAGHER: The government has always made it clear that it will spend the $27 million. The budget yesterday delivered on that, in spending the remaining $7.4 million. The $1.6 million is in the budget, Mr Pratt. I think you are asking me on exactly what page and in what table it is shown. The money for the capital injection for lower class sizes relates to the purchasing of transportable classrooms. We did not need to spend all that money last year, and it has been put into extra costs for Gungahlin Primary School. We are on target to reduce class sizes. There has been no reneging on that promise, Mr Pratt. We have not needed to buy the transportable classrooms.

MR PRATT: I ask a supplementary question. When will your government learn to fulfil its promises in a timely fashion? Have you got all of the resources together to get that program moving in a timely fashion?

MS GALLAGHER: The $27 million was to be spent over three years. The government is committed to that, and we are on target.

Indigenous community—delivery of services

MS DUNDAS: Mr Speaker, my question is to the minister for indigenous affairs. Minister, on 12 December 2001, in a ministerial statement on indigenous affairs, you

stated that the government will develop quarterly reports on the current state and effectiveness of services delivered to the indigenous community in the ACT. Have these reports occurred, and what have you discovered?

MR STANHOPE: I thank Ms Dundas for the question. Certainly issues around the status of the indigenous community of the ACT are matters of great importance to this government, Mr Speaker. We are determined, on a number of fronts, to progress not just issues around reconciliation but also issues around quality of life and the capacity of the indigenous people in this community to participate fully within the community.

As I have said on many occasions, it is an issue of grave concern to the government, and indeed to all Canberrans, that many indigenous people within this community suffer the same range and level of disadvantage confronted by indigenous people throughout Australia. Certainly all the indicators in relation to health and wellbeing, and representations before the courts—in the criminal justice system and contact with the police—are as worrying and concerning here as they are elsewhere.

The fundamental measure is life expectancy. It is a matter of continuing concern and shame in this nation that, here in the national capital, indigenous people suffer the same life expectancy figures as are experienced elsewhere.

In acknowledging the issues we face with regard to the indigenous population—in respect of indigenous programs and the funding of those programs—the government has embarked on a process for determining what our priority areas of expenditure should be, how the programs that are in place are operating and how effective they are. That process involves the chief executive officers of each of the ACT government departments, under the chairmanship of the chair of the ATSIC Regional Council, Mrs Iris White.

That is an innovative approach that this government has taken to measure the effectiveness of programs for indigenous people here in the ACT. It is something that expresses, I think very fully, the government's determination to work with indigenous people on this issue and to acknowledge the importance of indigenous leadership in seeking to drive change. Therefore, we have asked Mrs Iris White—who is, as I say, the chair of the ATSIC Regional Council—to chair a working party comprising the CEOs of each of our departments in the ACT to look across government at every one of the programs which delivers services to indigenous people.

Preliminary work has been done on that. Departments have identified, across portfolios, which specific programs exist and what their funding arrangements are. The issue presenting to the government is to determine how effective those programs are and how we should prioritise them.

One of the findings of the initial research work that has been done in relation to these projects is that a large number of separate indigenous programs exist within the ACT, with significant levels of funding involved. I would have to go back for further detail on that, but I understand—and it was something which came as a surprise to me—that there are in the order of 65 separate indigenous-specific programs funded in the ACT, from a combination of Commonwealth and territory sources, comprising expenditure of up to $12 million a year. A real challenge exists there for the government.

I think the point of the question you ask is well made—that there are significant funds being expended; that we need to determine how well those programs are working; and that we need to prioritise our expenditure to get the best outcomes.

I will have to take an update on where that work is at. I am more than happy to provide it to you, Ms Dundas, but I have not recently had a report. I will take an update and happily provide you with as full information as possible.

MS DUNDAS: Mr Speaker, I have a supplementary question. Thank you, Chief Minister; that was very informative. I was wondering whether, if you do have reports—and you said in the ministerial statement that you would—these can be tabled and made available to the indigenous community.

MR STANHOPE: There are some documents, although I don't know whether I would characterise them as reports. I am more than happy to take that question on notice, to look at the status of those reports. I would be pleased to make available what I can, but I don't know the status of the documentation that is currently available.

Horse Park Drive

MR CORNWELL: My question is to the Minister for Urban Services, Mr Wood, and it concerns the construction of Horse Park Drive. Given the increase in the total forecast cost of Horse Park Drive from $7 million in last year's budget to $10 million in the current budget, and delays attributed to, and I quote, "difficult design issues", would you please explain why, in an answer to question on notice 454 in March this year—and it was only six weeks ago that I received a reply—you stated that "there have been no construction delays" and that "no redesign is required"? How come it has ballooned from $7 million to $10 million, attributed to difficult design issues, when six weeks ago you said there were none?

MR WOOD: The ultimate cost is $10.4 million as I recall, if those are your figures. As to any variation in figures, I do not have an answer. I guess I would hold to any answer to a question that I gave you. I will look at the background conflicts that you seem to be pointing out here and, if there are conflicts and differences, I will resolve them for you, Mr Cornwell.

MR CORNWELL: I see. You might look at page 207 of paper 3, the budget overview, which states that $10 million is the project value. I do want to know why it has risen to that $10 million when, as I say, originally, in last year's budget, it was $7 million. What have you done with the other $3 million?

MR WOOD: As I say, Mr Cornwell, I will get back to you. $10.4 million or thereabouts is the figure that I have in mind as the cost of it. In the end, some years down the track—perhaps in about 10 years' time—it will become a four-lane road, but that is a different story. If you see differences there, as I say, I will try to resolve them for you.

Memorials and monuments

MR STEFANIAK: My question is to the minister for the arts. Minister, in the budget there is an allocation for a bushfire memorial as a permanent reminder to the community of the tragic events of 18 January. I congratulate the government on making this gesture. However, I am concerned that we will have the same lack of action being taken on this memorial as has been taken by the government in relation to the Centenary of Federation monument, for which $250,000 was allocated by the last Liberal government. Also, to date, only $380,000 of the $2.9 million allocated last year to the Kingston glassworks project has been spent. Minister, can you guarantee that the bushfire memorial will be completed on time?

MR WOOD: Yes, it will be a steady process.

Opposition members: Ha, ha!

MR WOOD: Hear me out. There has been an allocation of $180,000 or thereabouts for that in the budget, but we are moving very cautiously because this memorial really has to emerge from the community. We are not seeking to impose anything on the community. We are not saying, "You are going to have a memorial and it is going to be like this." I have met the reference group and there was a general discussion. Later this week or next week we will bring out a statement saying no more than, "Do you think that there should be a memorial of some sort? If so, what do you think it ought to reflect?" We are being very careful about ensuring that, if something emerges, it will be very much what the affected community and the community as a whole would have in mind. The process will be very measured and you can be sure that it will be there.

MR STEFANIAK: I have a supplementary question. Minister, will you push for the Centenary of Federation memorial and the Kingston glassworks project to be completed?

MR WOOD: Stand by for some news about the first of those, because we are pondering that. The former government did not advance that one and it may be by now that history has passed it by and that grandiose scheme has lost its place today. That is a matter that I am considering at this stage. I will not guarantee with certainty that that will go through as you may have thought. Members opposite will remember the time it was taking them to get anything done on it. I see the nods over there.

A great deal has been done on the contemporary glass centre. I can give you a long list, Mr Stefaniak; I will post it to you. It is still on the go. Again, I am pleased to say that we are looking at it very methodically. It is a very big undertaking. There are numerous complexities about it. We want it to be freestanding and free running. In order to do that, we have to make sure that the business plan and everything else about it is very secure. A great deal of that work has been done. The commitment is there and it is proceeding, but it will be proceeding very cautiously and very steadily.

Public transport—Oaks Estate

MS TUCKER: My question to the Minister for Urban Services relates to the public transport needs of the residents of Oaks Estate. Minister, I understand that it has been the government's view that it is acceptable for these residents to use the New South Wales bus service. But that service is not integrated with ACTION for concessions, day tickets and so on. There are a lot of public housing tenants in Oaks Estate, as I am sure you are aware. There are issues for them in being able to afford to get to Canberra for the services to which they are entitled. What are you doing so that Oaks Estate residents can access services by public transport?

MR CORBELL: I am not familiar with the circumstances but would be happy to investigate them and come back to Ms Tucker.

Health funding

MS MacDONALD: My question is to the Minster for Health. Minister, the Liberal leader has criticised you and the Labor government for not doing enough in this budget for health. Minister, can you outline for the Assembly what the Stanhope Labor government is in fact doing for the people of the ACT in this year's health budget and, further, how does this differ from what the Liberals did or did not do for health when they had their hands on the purse strings?

MR CORBELL: I am very happy to answer this question because criticisms from Mr Smyth really suggest that he does not care if another 600 people and their families in the ACT do or do not get access to elective surgery. In fact, he is prepared to dismiss that out of hand. He does not seem to care, Mr Speaker, if approximately the same number do not get extra access to dental surgery in the ACT on the public waiting lists, which is what this budget delivers.

Nor does he seem to care—and this is a bit of a trend for the Liberals—whether there is any increased funding for mental health. This government has increased mental health funding by close to $3.5 million recurrently since it came to office, but what did we see from them, under the previous administration, in relation to mental health services? The bottom line is not a lot at all, Mr Speaker. So poor is their record that the territory still ranks at the very bottom of expenditure in mental health per head of population of any state or territory in the country.

This government is determined to try to address that trend and turn it around. In our first two budgets, we delivered close to $3.5 million recurrent in mental health expenditure. That is a strong and powerful statement, Mr Speaker, of this government's commitment. This budget, of course, delivers more than that. The budget delivers $4.5 million of extra funding to completely refurbish the remaining areas of the paediatric ward at the Canberra Hospital.

Mr Smyth: It is less than growth.

MR CORBELL: Mr Smyth says "it is less than growth". You are misleading people, Mr Smyth. Let me read out the figures to you again. In the last two years of the

Liberal government, what was the percentage increase in funding to public hospitals? Just over 4 per cent, Mr Speaker. In comparison, the first two budgets of the Stanhope government provided an average increase of over 7 per cent. That is this government's record. That is a record of which we are proud and a record we are very proud to defend in the context of Mr Smyth's claims.

I refer Mr Smyth to page 146 of budget paper 4. It quite clearly says that Labor's commitment to acute services has increased from $261,652 to $287,406. That is a significant increase. That is a 10 per cent increase this financial year, Mr Speaker. Mr Smyth, stop misleading the people of Canberra. Stop putting out these half-truths and deceptions, Mr Smyth, when the bottom line is that this government has increased health funding by $18 million this year and, on average, over 7 per cent in our last two budgets just in the public hospitals. Across the system, Mr Smyth, the increase is over 5 per cent. Over 5 per cent across the system and over 7 per cent just in our public hospitals.

Mr Smyth, you have to stop misleading and deceiving people. The health budget has increased by over $18 million, delivering improvements in mental health, elective surgery, dental waiting lists, alcohol and drug initiatives and home and community care. This is strong health budget. It is a Labor health budget. It is just a pity that Mr Smyth cannot find anything else to criticise.

Public housing

MRS BURKE: My question is to the minister for housing, Mr Wood. I thank you for reading your press release on homelessness, Mr Wood; that was very good. I do not think that you will have a media release for my question just yet.

I refer to output 1.1, relating to public housing services and policy, in budget paper 4 for 2003-04. Can the minister explain why the target number of applicants housed of 1,200 in 2003-04 is lower than the target of 1,450 for 2002-03, given that the minister has said that the ACT government is committed to addressing the increased demand for public housing?

MR WOOD: A variety of factors make up that figure. A large component of the waiting list is those who are waiting to move from one government housing property to another. We are looking, among other things, at ways to expedite that process. I would think that would be one factor in that regard. It is a quite reasonable thing to do. It is time consuming and a somewhat minor cost to shift people from one property to another—new lease and the like.

We are looking to expedite that. If we can do that, we will reduce the waiting list. That, I think, is the predominant factor. Other factors in the community at large would also have an impact on that. As we look at affordable issues, we expect over time just a little more help in that respect. We think that some of our policies are beginning to bite and that we are addressing the situation out there.

MRS BURKE: I have a supplementary question. Minister, can you confirm that the ACT Labor Party has changed its approach to election commitments—that is, the 2001 election? It did say that it would cease the planned downsizing of government

housing stock and that Labor would aim to maintain the current level of public housing as at the time of the 2001 election. Was that policy simply untrue and misleading, or does the answer lie in your own incompetencies?

MR WOOD: No, we leave that sort of thing to you. We leave it to you to mislead people. The situation is—we had this debate before lunch—that the people you were associated with in the last Assembly were on a deliberate campaign to reduce government housing numbers. I have ceased that. My clear policy was to aim to maintain stock—a very difficult task. As of my last report, I think that we are slightly ahead of that. These figures fluctuate from time to time, but we have done a great job in maintaining stock. That was our decision at that time. A lot of the stock is old and in need of replacement, repair or something else. Nevertheless, in the situation we face in Canberra today, it is important that people have a roof over their head. We are aiming to maintain stock.

Mrs Burke: What is happening to Currong? When is it going?

MR WOOD: Currong would have an impact, if it were to close. I do not know what is going to happen there at this stage; we are still working on it. Over 200 properties would disappear and, of course, we would never be able to replace that number if, and I say "if" very heavily, it were to be sold. That would have some impact. But we have maintained our commitment as we aim to maintain stock, and that is generally the case. It would be the first time over 18 months that that has happened after the 6½ years of your rule.

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

Answers to questions on notice and supplementary answers to questions without notice

Question No 476

MS DUNDAS: Mr Speaker, under standing order 118A, I do not seem to have received an answer to question 476, directed to the Attorney-General on 12 March 2003, and due on 11 April 2003. Could the Attorney-General please provide an explanation?

MR STANHOPE: I apologise to Ms Dundas. I will investigate that matter and seek to have the question answered immediately, Mr Speaker.

Question Nos 448, 550, 587, 590, 592

MR SMYTH: Mr Speaker, under standing order 118A, I have question 448 on the white paper for Mr Quinlan, which is overdue. Four questions for Mr Corbell—550, 587, 590 and 592—are overdue. Mr Corbell has written and apologised on the last three. If we can have answers to those questions quickly, it would be appreciated.

Mrs Dunne also has two overdue questions.

MR SPEAKER: Order! I do not think it is open to you to raise issues for Mrs Dunne.

Bushfires

MR SMYTH: On 18 February, when Mr Stanhope took a question on notice, he said:

> I am happy to provide a chronology in relation to all four fires, to the extent that it is available.

That was on 18 February and I am yet to receive that chronology.

MR SPEAKER: Yes, I confirm that the request must be from the member who asked the question.

MR STANHOPE: I want to respond—simply to acknowledge the outstanding questions.

In relation to the chronology, no chronology was available. I regret that I did not make that explicitly clear to the Leader of the Opposition earlier, Mr Speaker. However, I propose to table tomorrow all ACT government departmental submissions from the bushfire inquiry. That will contain full details of all matters in relation to the bushfires and the chronology, to the extent that one exists.

MR SMYTH: On 19 February—the following day—Mr Stanhope took another question on notice. He said:

> I cannot tell you at what time the police first raised the issue of a state of emergency with the Emergency Services Bureau, but I am happy to take that on notice.

I do not believe I have received an answer to that question, either.

MR CORBELL: Mr Speaker, I apologise to Mr Smyth. As he acknowledges, for the sake of the record, I wrote to Mr Smyth earlier this week, advising him that those questions are overdue but will be responded to shortly.

Lake Ginninderra foreshore

MR CORBELL: I table answers to two questions taken on notice. The first was on 13 March, from Ms Dundas, about what plans the government has for section 187 on the Lake Ginninderra foreshore.

> Development Application (DA) No 20024238, Metropolitan Residential Towers, block 2, section 6, City—Answer to question without notice asked of Mr Corbell by Ms Tucker and taken on notice on 1 April 2003.

The other question was from Ms Tucker on 1 April, about the development application on Block 2 Section 6 in the city for Metropolitan residential towers.

> Lake Ginninderra foreshore, section 187—Answer to question without notice asked of Mr Corbell by Ms Dundas and taken on notice on 13 March 2003.

Trees in Nettlefold Street, Belconnen

MR STANHOPE: I took a question on notice from Ms Tucker yesterday, Mr Speaker. Ms Tucker asked me whether an external hydrological assessment had been undertaken at the Nettlefold Street site. I have been advised that no external hydrological assessment of the site was undertaken. Ms Tucker asked me if I would table any such report. My answer is that there was no external hydrological assessment of the site and therefore I have nothing to table.

However, I am advised that the independent tree adviser and Environment ACT officers assessed that the level of groundwork proposed is unlikely to affect the water table, due to the topography of the site. As there are large impervious surfaces on the neighbouring block—Block 3 Section 2—it is unlikely that such a site would receive a significant amount of overland flow. It is understood that the impervious surfaces on Block 3 Section 2 have been in place since around 1978.

In my answer to Ms Tucker yesterday, I said it was my understanding that Nettlefold Street had been designated as a site for commercial use in 1976. That was in fact in 1986, not 1976. I correct that mistake.

Question Nos 531, 533, 555

MR STEFANIAK: There are three overdue questions on notice, all addressed to Mr Wood, which were due on 1 May. Question 555 was with regard to the Cultural Facilities Corporation; question 532 was about the honour walk; and question 531 was on the centenary of federation monument.

MR WOOD: They are close to you, Mr Stefaniak—I will hurry them along. I have seen two of them.

Paper

Mr Corbell presented the following paper:

> Needle exchange program—Answer to question without notice asked of the Chief Minister, on behalf of by Ms Tucker and taken on notice on 3 April 2003.

Executive contracts
Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney General, Minister for Community Affairs and Minister for the Environment) (3.13): Mr Speaker, for the information of members, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments –
>
> Long term contract:

Anna Lennon, dated 7 April 2003.

Short term contracts:

Clare Wall, dated 3 April 2003.
Andrew Rice, dated 14 March 2003.
Ron Shaw, dated 10 April 2003.
Mark Mullins, dated 14 March 2003.
Mark Mullins, dated 16 February 2003.
Diana Dalley, dated 21 March 2003.

Schedule D variations:

Laurann Yen, dated 12 and 21 March 2003.
Suzanne Birtles, dated 12 February and 10 April 2003.
Peter Gwilt, dated 28 March 2003.
Robyn Calder, dated 10 and 11 April 2003.
Francis Duggan, dated 10 April 2003.
Michael Zissler, dated 4 April 2003.

I ask leave to make a statement in relation to the contracts.

Leave granted.

MR STANHOPE: This is another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts or contract variations. Contracts were previously tabled on 1 April 2003. Today I present one long-term contract, six short-term contracts and six contract variations. The details of the contracts will be circulated to all members.

Paper

Mr Stanhope presented the following paper:

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Chief Executives and Executives—Determination No. 116, dated 8 April 2003.

Part-time Holders of Public Office—Commissioner for Public Administration—Determination No. 117, dated 8 April 2003.

Members of the ACT Legislative Assembly—Determination No. 118, dated 8 April 2003.

Part-time Holders of Public Office—Commissioner for Surveys—Determination No. 119, dated 8 April 2003.

Full-time Holders of Public Office—Determination No. 120, dated 8 April 2003.

Community service orders

MR STEFANIAK (3.15): I move:

> That this Assembly:
>
> (1) notes with concern that currently 35% of all Community Service Orders imposed by ACT courts so far this year have been breached by offenders; and
>
> (2) calls on the ACT Government to take steps to address this problem.

Mr Speaker, my motion is a very simple one. It firstly notes with concern that currently 35 per cent of all community service orders imposed on offenders by ACT courts so far this calendar year have been breached. Secondly, it calls on the ACT government to take steps to address this problem. Because of the nature of matters that go before the courts, I do not expect the problem to be completely overcome—but basically that steps be taken to help address this problem.

Some members may not know what a community service order is. CSOs have been available in the legal system for some years—probably for a bit over a decade. A CSO is a fairly serious penalty for a court to impose. However, in many instances, a CSO is very practical and serves a useful purpose.

Currently, up to 208 hours community service can be ordered for juveniles and I think it is a bit more in the adult jurisdiction. CSOs are a useful type of penalty. The hierarchy of penalties goes something like this: for anyone who is convicted, about the lowest penalty he could get is an "admonish and discharge". That would be recorded, but that is about it.

You could say that the old penalty—sentenced to the rising of the court—also applies. After the court rises, off they go. That is followed by what people might see in the paper. Someone might be sentenced to a bond of good behaviour, where no conviction is recorded. That was the old 556A bond which is now 402 of the Crimes Act. That is without a conviction being recorded.

Next on the scale is what used to be the 556B bond. That is where a conviction is recorded but, apart from a bond of good behaviour, there is nothing further. That can have additional penalties, including fines, attached to it. A fine can be a significant penalty—and that probably comes next in the scheme of things. In fact, that may well come before the "without proceeding to sentence" under 556B.

Then we have suspended sentences, where an offender is sentenced to a term of imprisonment but it is suspended immediately upon their entering a bond to be of good behaviour, with whatever conditions a court may impose, which may include a fine.

After that, we have community service orders. They go up in lots of eight hours work. Invariably, you will see courts imposing 208 hours, 104 hours or maybe 60 hours.

Following that, we have periodic detention, which is weekend detention. After that comes a fully-fledged gaol term.

I asked the Attorney, through a question on notice, to supply some figures in relation to community service orders. I was keen to see, initially, if in fact the government had restored funding for them; how much the government had provided in the way of funding; and on how many occasions they had been used as alternative sentencing options by judges and magistrates. There were also questions in relation to breaches of CSOs.

I was pleased that the government responded by saying it has provided ongoing funding for the CSOs—community service obligations—that in the 2001-02 budget it had allocated $359,960 and that, to the end of the first eight months of the current financial year, some $236,761 had been expended.

I was also supplied with information which indicated that, in the 2001-02 financial year, 292 new offenders had registered to serve CSOs—they had been sentenced by the courts to serve CSOs. So far this financial year, at the time the question was answered by the Attorney, between 1 July 2002 and 28 February 2003, there were 138 new registrations.

For the complete financial year 2001-02, there had been 79 instances of breaches, which amounted to about 27 per cent—a worrying figure. It is disturbing that, so far this year—between 1 July last year and 28 February this year—48 breaches occurred out of 138 new registrations, which is some 35 per cent. I am very concerned in relation to that, because it is trending upwards, Mr Speaker.

I asked the Attorney what was occurring and he wrote back to me. When a breach occurs, the decision regarding the consequence of the breach is made by the courts. He listed a number of things that could occur. The original order could be revoked; possible consequences could include no action being taken; the order being extended for a further duration; fines being imposed; a new order being made; a periodic detention order; or some type of recognisance.

I was pleased that the government indicated in its response that it regarded CSOs as a very important alternative sentencing option and that it is committed to providing ongoing funding for them, to encourage the use of this option by the courts. It is a useful option. CSOs are things which people might well see on occasions in court reports, where someone has been sentenced to a community service order—for example, 208 hours.

The type of work these people do includes a large range of things. You might see people being supervised doing beautification work. I am aware that CSO orders have been carried out around some of our APU complexes. The people in the department who run them have a range of areas where these orders can be carried out effectively, for the benefit of the community and, might I say, in many instances to the benefit of the individual concerned.

CSOs are particularly useful for Children's Court matters. They are often used there to show young people the error of their ways—to get them to do something positive

and effectively force them into putting something back into the community. Therefore, CSOs serve not only a punishment role but an educative role as well—and a positive role for the community. I am well aware of those orders having been used in a number of instances by the Children's Court magistrate.

CSOs are also handy for offences where the courts may not consider it appropriate to jail a person. I have seen them used for persons who have a number of drink-driving offences, when they are close to going to jail. Fifteen years ago, they may well have gone to jail. The old rule then was—although it was never really applied by our courts in the ACT—that, on your third PCA offence, you were looking at a jail term. In many instances, a community service order might be a far better option because the person is still being punished.

CSOs can be combined with other options. They can be combined with suspended jail sentences and other types of penalties as well. They are a very useful way of bringing home to the offender the error of their ways, whilst they are putting in useful work for the community.

Mr Speaker, I appreciate that CSOs are not the easiest things in the world to administer—I am well aware of that. From anecdotal evidence, I suspect that the way they are administered could be improved. There are a number of things that could occur within the public service or the bureaucratic system, which administers these through the courts and the departments, to ensure that less breaches occur.

I hope the government accepts this motion. There are a number of steps that could be taken by the government, should they look into this a bit more, to ensure that the officers concerned in running the scheme keep a tighter reign on it and take whatever steps are necessary to tighten it up, to ensure that breaches do not occur to the extent that they do.

I remember my own time in the courts—certainly as a prosecutor—and what one hears when on the other side, in respect of occasional slackness in how these things are administered. There are always ways in which we can improve that situation. I think the AG will find there is room for improvement there, which will assist in turning around this disturbing figure.

I refer to one of the big problems, which is probably more for the courts themselves and the judiciary—the magistrates and judges—in playing their role. Members of the community are rightly concerned when they read a story or hear of a person who has been given a bond of some description, or something like a community service order, and the person has breached it and has not received any additional penalty and no action is taken.

I am aware of matters where people have been given a series of other fairly minor sorts of penalties when they have breached a previous one. I have seen instances where a person has been given a bond; they have breached the bond, received another bond and breached that—and nothing much has happened in relation to that. So I think it is very important for the courts to take strong action on breaches of bonds—and probably even more so for breaches of community service orders.

In these figures, there may well be instances where the breaches are pretty technical. I accept that that may well be so and that it might, to an extent, artificially inflate these figures. However, 27 per cent in the financial year gone and 35 per cent so far this financial year are very worrying figures. I suspect there would not be too many in that percentage which are purely technical. I believe some of them are far more substantial than that. Where the courts come in here is to ensure that strong action is taken in relation to breaches. The community certainly expects them to do that.

Community service orders are often given as an alternative to a term of imprisonment. They were introduced—and I cannot remember which government did it—both here and interstate as a proper and reasonable alternative for an offence which would normally carry, and be expected to carry, a term of incarceration. So CSOs are not given lightly—they are given as an alternative to imprisonment. That is all the more reason for the courts to take breaches—any significant breach, rather than a technical breach—seriously. For the courts not to do so I think is betraying what the community expects them to do. The community expects serious breaches of these types of orders to be punished—and that punishment might well mean a term of imprisonment.

I appreciate that the Attorney does not have a huge discretion in relation to that. Nevertheless, I make the statement that I believe the courts must get a lot tougher with breaches of CSOs, and breaches of other orders imposed by courts such as bonds, suspended sentences and the like, that come before them.

Mr Speaker, there is a two-fold problem here, as to how the Attorney can take steps to redress the situation. I do not expect him to ever get to a situation where there will be no breaches. That would be utterly impossible in the scheme of things. There are, in any case, a number of steps which can be taken to tighten up the system, to identify instances where a breach may occur. Steps can be taken to stop breaches occurring.

There may be issues around very technical breaches. The government could look at what can be done there, as to what steps can be taken to see whether the courts can toughen up their approach and make the way they deal with these matters more efficient.

People know my views about our courts often being overly lenient. To some extent, that may well be part of the problem here. Yet I suspect there are other problems of a more technical or administrative nature in the way they go about their business, which also might come into play here.

I seek the support of members in relation to this. It is not good to have such significant numbers of breaches of important orders made by the courts, and potentially a considerable percentage of defendants, who have been sentenced for usually fairly serious offences, thumbing their noses at the law by not abiding by the conditions of the orders. This is something that concerns the community. With some offenders, there is a potential danger to the community of the matters reoccurring—and there may be financial costs to the community.

My motion merely calls on the government to take steps to address this problem. I am not being prescriptive as to what steps they should take, but I believe there is a

considerable amount they can do to tighten up and reduce this somewhat alarming percentage of persons breaching community service orders at this point in time.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.29): Mr Speaker, the government does not support the motion. I will move an amendment. The essential reason why we do not support the motion is that Mr Stefaniak's maths are significantly askew—awry in fact—and I think it is a matter of some embarrassment to Mr Stefaniak. As an old mate of mine, I am loath to embarrass him.

Your maths are appalling, Mr Stefaniak. You made a fundamental mistake in your calculations. In the answer with which you were provided to the question, you were given the number of breaches. You asked for the number of breaches and the number of new registrations. Breaches are calculated as a percentage of the number of people on community service orders who breach CSOs. I should speak through you, Mr Chair. It is impossible, on the numbers provided to Mr Stefaniak, for a calculation to be done to determine a breach rate. It cannot be done.

The figures Mr Stefaniak was provided with simply gave him an indication of new registrations under community service orders. In other words, they confirmed that this government is committed to the community service order process; that it is funded; and that we believe that community service orders—for all the very good reasons Mr Stefaniak described—are a valid, good and supportable sentencing option and one which we are determined to maintain.

The information provided to Mr Stefaniak, for the periods in relation to which he asked and on which I was able to provide information, was that, for the period 1 July 2002 to 31 March 2003, the number of orders expected to be completed was 188 and that the number of breaches in that period was 48.

The breach rate therefore, Mr Speaker, is in fact 23.5 per cent. That is a significant difference from the figure of 35 per cent Mr Stefaniak achieved by taking the number of breaches as a percentage of the number of new registrations, not the number of people serving community service orders. Accepting that people serve these things over a period of time, there were many people serving community service orders who were not new registrants.

You did not ask for that figure, Mr Stefaniak, and I now regret that you did not ask for it—but we also did not provide it. We did not provide it because you did not ask for it. Had you asked for them, you would have had available to you figures which would have allowed you to make the calculation you made.

Mr Stefaniak, you are in the unenviable position of having drawn attention to breach rates in relation to community service orders. As departments do for governments in circumstances such as this, when facing claims such as those made in this motion, the department has done the sums and achieved a historical record of community service order breaches.

It is not pretty for you, Mr Stefaniak. The rate of breach of community service orders when you were Attorney-General far exceeds the current breach rate. In 2000-01, the

breach rate was 37.31 per cent; in the next year it was 26.29 per cent; and, in this year, to date it is 24.56 per cent. From your appalling rate, Mr Stefaniak, we have significantly reduced the community service order breach rate by 30 per cent.

I regret that nobody in this place can support your motion, Mr Stefaniak, because it is simply and blatantly wrong. All it does is draw attention to the fact that this government has improved the breach rate by 30 per cent since coming to power. For that we must congratulate ACT Corrections and the ACT Department of Justice and Community Safety. In fact, Mr Stefaniak, I believe you have no option but to vote for the motion I will move. My motion says that we note that the breach rate for community service orders has decreased from 37.31 per cent in 2000-01 to 24.56 per cent to date in this financial year and congratulates the Department of Justice and Community Safety for achieving this reduction.

I am sorry, Mr Stefaniak—you have got it painfully wrong. It is embarrassing, but we have to cop these things on the chin. You got it badly wrong. We are reducing the rate significantly and inexorably. I am sure ACT Corrections will continue to work on that.

MR SPEAKER: Would you care to move the amendment?

MR STANHOPE: Yes, I move the following amendment:

> Omit all words after "Assembly", substitute "notes that the breach rate for community service orders has decreased from 37.31% in 2000-2001 to 24.56% to date in this financial year and congratulates the Department of Justice and Community Safety for achieving this reduction.".

MR STEFANIAK (3.35): On the amendment, Mr Speaker, I note that the Attorney said the department perhaps should have given me extra figures. Attorney, yes—that might be so.

Ms Gallagher: Is there a question mark on that?

MR STEFANIAK: No. Shut up and listen. On the second point, I am also accepting what the Attorney tells me in relation to the departmental figures he read out. I am accepting what the department has provided. In accepting those, I note that there has been a decrease in the number of breaches. In that case, I would encourage the department to keep up the good work. If indeed it is trending downwards, that is very good, because that is what people expect in our system of justice and it brings credit to it.

Mr Stanhope, if my figures are wrong, based on what you have provided me with, I apologise for that. On the material provided, there appeared to be an increase. Yes, I think they could have been clearer but, at the same time, they obviously are not.

I have no problems supporting your amendment. I would like your undertaking, though, that, as Attorney, you will continue to monitor the situation and take all steps possible to ensure that these figures continue to trend downwards. Note what I say—that it is unreasonable to expect that there will ever be a situation where we have zero

breaches. That is desirable, yes, but in practice it will not occur. Perhaps I can have your undertaking that you will continue to take whatever steps possible to ensure that this pleasant trend continues. I am pleased to hear that that is the case, even though the figures I had seemed to indicate otherwise. I am delighted that that is not the case.

With that undertaking, I am happy to compliment the department, and support your notice. I also indicate that I will be asking you some more questions—and probably detailed questions. I would appreciate detailed answers in respect of all the figures, to avoid confusion in the future. Having said that and accepting your figures, I find that pleasing. It is a trend we obviously want to see continue.

MS DUNDAS (3.37): I also address the substantive motion at this time. I am glad that the Attorney-General and the shadow Attorney-General have worked out what they are doing—whose numbers are right, and what has been going on. Nevertheless, I think the important thing is that we continue to take steps and provide information to the Assembly about what is going on, to ensure that community service orders are actually being met.

I am very supportive of community-based correction orders, and of the periodic detention scheme. I believe that, as the territory does not have the same corrective services facilities as those of other jurisdictions, we must have strong and effective alternatives to detention.

During last year's estimates, when I was questioning the ACT Director of Corrective Services about periodic detention and community service orders, he stated that over half the offenders sentenced to periodic detention do not show up. He stated that this high rate of absenteeism has been existent for the previous six years. Therefore, I do not see this as an ALP problem or a Liberal problem, but as a systemic problem within corrective services which needs to be addressed by whichever government it is in power and by the community in general.

It seems that the government should consider expanding the home detention program, as it appears that this is under-utilised. It should provide support for both community service orders and periodic detention. If required, serial absentees should be punished for their absenteeism.

We live in a community where we say that, if you have committed a crime, you should be punished for it—and we have different ways of implementing punishments. We must follow through on those punishments—they cannot be ignored.

If it is true that there has been a decrease in the number of breaches of community service orders, yes—that is to be applauded, but we cannot stop there. Further work must be done to continue to maintain a low breach rate for community service orders. As I have said, we must look at other ways in which we detain people for the crimes they have committed, thus making sure that their return to the community, after the crime they have committed, does not go unfulfilled.

MS TUCKER (3.40): I will make a couple of comments with regard to the alternatives to prison and the importance of supporting them. The Australian prison

system is extremely violent, so any way we can avoid putting people into that system must be supported. Community service orders are one such alternative.

I agree with Ms Dundas that we must keep looking at different ways of dealing with people who have broken the law because we know that, by sending them to prison, we are likely to inflict on them a very dangerous environment. We have a duty of care in this matter and I do not think it is taken seriously enough.

The periodic detention centre has a number of problems of which I am aware, particularly for people who are drug affected. I do not know whether this is also an issue with community service orders. However, we cannot talk about punishment as a response to breaching—we should work out whether there are reasons why people are breaching.

I know that, with the periodic detention orders, there are real issues for people who are drug affected and drug addicted who go into the centre. They go in on the Friday night and by Saturday or Sunday, they are pretty sick. There is nothing there to help them, or to deal with that. They will be sent home; they will then be breached; and they end up in Goulburn. We heard this story when the Health Committee had a forum recently on access to clean syringes for addicted people—injecting drug users.

The question of access to clean syringes for people in prison, remand centres or on periodic detention came up as well. In that forum, we had some very interesting input from people who work in the field. One person spoke about what she knows to be occurring in Canberra with weekend detention. She works there, and this issue came up.

This is another example of not looking just at the surface question here and saying, "Well, people are breaching—we will have to make it so they don't breach" and, "They are being bad." We should work out if there are real reasons why they are breaching that we can deal with, on which we can support them. In the long run, for them to end up in Goulburn jail because they have been breaching is not going to serve them or the community.

MRS BURKE (3.43): Hopefully we have the maths right now, but I guess it is still a debatable point. Nevertheless, I still think Mr Stefaniak's motion to bring this on is a worthy one, because it is bringing this matter out for debate. As Ms Tucker has said, we heard evidence in the Health Committee. There are many facets to this—it is not an easy issue.

However, I think it needs tightening up, Mr Speaker—or why bother to have these orders made? If they are going to be breached continually because of problems such as compounded health problems, we should be looking into this. I applaud Mr Stefaniak, and I know my colleagues are supportive of what he is trying to do here.

He has obviously been on a mission for a while to keep the pressure on, to ensure that Canberra is a safer place to live. I certainly appreciate that. People in the community deserve to feel safe and secure, and I am sure the Attorney-General would agree with that. They deserve to be secure in the knowledge that, when people commit an

offence, they do the crime and do the time—I hope that is the right way of putting it. Whatever is happening here with people breaching, if one person is breaching, it is one too many, as I have said.

I think there are compounding problems. I think the essence of the intent of Mr Stefaniak's motion should be supported and applauded. I thank him for the motion.

We cannot have a system where people are blatantly flouting the law, and indeed making the law out to be an ass—or else, what is it there for? If this is done on a regular basis, it is not acceptable. As Ms Tucker has said, we must look at the reasons why. It is not so simple, and there are perhaps many approaches to dealing with the situation. I am pleased that Mr Stefaniak has brought this forward, and whatever figures they may be, if there are two breaches, it is one too many.

A community service order can be an effective method of punishment. It is one that works well for many people. However, I think we should be trying to work out ways in which we can make sure people are not placed in a system where they are going to breach because of other compounding problems. We must have a credible system—not one at which people thumb their noses. I call on people to support this today.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for Environment) (3.45): Mr Speaker, I seek leave to speak to the amendment.

Leave granted.

MR STANHOPE: I wanted to respond and make a couple of points in relation to community service orders that I think are relevant. It is important that we have a broad array of sentencing options available, and it is a stratagem we are pursuing. It is possible for the courts to have an array of alternative sentences or orders when somebody comes before them.

This has been touched on by members, but I make the point that it should not necessarily be assumed that a higher rather than lower breach rate is necessarily a sign of failure. You know, there is a whole range of circumstances. Ms Tucker touched on some of the reasons why people breach their CSOs.

The community service order arrangements require that, when a breach occurs, it be notified and breach action commenced—that is immediately a community service order is violated. It is a hard and fast arrangement or system where, if a community service order is violated, a breach is recorded and reported almost as a matter of course.

That does not necessarily mean that the community service order system is not working. There is an array of circumstances. Life is complicated and difficult. Each of us, in our own way, face a whole array or arrangement of circumstances and factors in our day-to-day lives. I made the point, as did Mr Stefaniak, that the breach rate when he was Attorney-General was much higher than it is now.

I have to say, in the mood I am in, Mr Stefaniak, that that does not necessarily say that those high rates of breaches reflect a failure—that the people serving those community service orders were deliberately or necessarily flouting the law. There is a whole range of circumstances. It may even be that the breaching of those community service orders was a sign of success, in that the person may, in some way, have been rehabilitated or restored through their participation in the community service order, but that, at some hurdle, they fell or failed and a breach was notified. That is not to say it was not a reasonable sentencing option, or that the sentencing option in some way failed.

We should not see these things in black and white terms, saying, "A breach occurred. We have a certain percentage of breaches of community service orders—therefore, community service orders either are not being administered or they are not a legitimate or reasonable sentencing option". I believe we must be careful as to how we analyse some of these numbers, in the context of a debate around a genuinely restorative or rehabilitative approach to criminal justice.

I take the opportunity to make the point that we are in the midst of a sentencing review being done within the Department of Justice. We would like to work harder on some of these issues or initiatives, but resources are strapped, as always. However, we are involved in a genuine look at sentencing of persons convicted of crimes in the ACT.

We are focusing on issues such as non-custodial sentencing options, post-sentencing treatment and rehabilitation programs, particularly for people with special needs, as well as rectifying identified difficulties and defects in sentencing legislation. If there are concerns in relation to community service orders and their administration, they too will be reviewed in that context.

We are having a genuine look at sentencing and sentencing options. We have not adopted Mr Stefaniak's approach of "lock them up and throw away the key". In Mr Stefaniak's mind, a sentencing review, as reflected in the legislation he introduced in this place, is: sentencing is all about being tough on crime, so just increase the penalties. If you have a penalty of 10 years for an offence then, heck, make it 15 years. If you have one for 15 years, then make it 20 or 25 years.

Mr Stefaniak, that is the philosophy reflected in your legislation. It is not a view this government takes. We are genuinely looking at restorative and rehabilitative approaches. We are looking at all aspects, but we should not be black and white—we should not be muscular about these issues.

Sure—people convicted of criminal offences must face the full force of the law—they must pay the penalty. The community has a right to expect that; they have a right to be safe; and they have a right expect that the will of the court will be carried out; but we, as a community, must look at what we are doing.

I am not being hard and tough about this, Mr Stefaniak. You brought this matter on. You and I have a different philosophical approach to these issues. I am not here

saying that a certain level of breach, or a breach rate of a certain order, is a sign of failure.

It may be that the people who eventually made their way through that round of community service orders are completely rehabilitated and restored and will never offend again. In that case, despite there being a breach along the way, the system worked. I can tell you that they were better off being there than inside the Belconnen Remand Centre or a jail.

In the amendment I moved, I have utilised figures provided to me today by ACT Corrections. It is the advice of my department to me that those are the numbers, and that the numbers are declining inexorably. The amendment I moved simply reflects the reduction in numbers.

One other piece of advice provided to me by the department was that they are not saying, "We are out there being tough, or tougher, on breaches." I guess I should reflect this. I am not there saying, "Let's get really tough on these people; let's watch them like hawks; let's watch them 24 hours a day; let's make sure they don't deviate—slope off and have long lunches and stuff—and then whip out and breach them."

Regarding the reduction in the breach rate that has occurred over the last couple of years, to the extent a cause can be identified, it is that there is a much closer analysis these days of the suitability of persons considered for that sentencing option. the department acknowledges that. A combination of factors is leading to the reduction. It is not a matter of, "Let's get tough on community service orders."

Amendment agreed to.

MR STEFANIAK (3.53): Members have raised a couple of points, and I thank members for the debate. As I indicated earlier, those are the figures the Attorney quotes and I accept them.

On those figures, he has explained as best he can that there was a high rate in 2000-01. Yes, I happened to be Attorney for about six months at that time. I continued into the next financial year, when the rate went down to about 26—and now it is down to 24. So it may well be, Mr Stanhope, that it was something I or the previous government initiated.

Your colleague, Mr Hargreaves, mentioned to me that he brought a motion in relation to community service orders at some stage during the previous government. That is obviously an issue for the Assembly to be concerned about and on which it should keep tabs.

When Mr Stanhope was last talking, he indicated that I did not think CSOs are a reasonable sentencing option—or something like that. I do not think I ever said they are not a reasonable sentencing option, even if they are breached. I think it is clear, Mr Stanhope—that I appreciate that we are not going to have 100 per cent success in community service orders not being breached. They are a reasonable sentencing option.

Had you been listening to my initial speech, I indicated a number of situations where CSOs are a sensible option. Clearly, there is considerable benefit in their being used by the courts. At no stage did I say that CSOs are not a reasonable option—they obviously are. That is all the more reason for us to ensure they are carried out effectively.

Mr Stanhope, you might also have missed the fact that I thought there was a need for courts to get tough when there were serious breaches—basically, breaches which indicate that the person is thumbing their nose at the law. I made it clear too that there are a number of technical breaches. You yourself indicated that, as soon as there is a breach, it is registered. Some of those breaches may well be technical, but others are not.

I thank you for your comments about your sentencing review. I made some comments on that—that it looks at only part of the sentencing issue, which is always complex. You and I will probably agree on that, at least. However, in respect of your sentencing review, which certainly looks at non-custodial options, I think you should look at many more options. In doing so, you will obviously be looking at community service orders and issues around them. That is important, to ensure that—hopefully—this rate, which is still high at 25 per cent, can go a bit lower. I would like to see this go down to about 10 per cent. Perhaps we could aim for something like that.

The figure being a quarter of community service orders at this point in time is still fairly high, even given that some of the breaches may well be technical. I certainly would appreciate if you and your department, in your non-custodial review option, would continue to look at the effectiveness of this scheme and how it can be further enhanced. When it works properly, it has considerable benefits for both defendants and for society.

You and I agree on other things in relation to sentencing, such as the fact that there is a need for the courts to get tough. In many instances, there is a need for the courts in the ACT, in serious matters, to be tougher than they are at present. I think that is a view supported by the majority of the community. People sometimes pretend to tear their hair out when they see instances of sentences. They scratch their heads and wonder how the court could possibly have come to that type of conclusion.

No doubt you and I will continue to disagree there. You will probably reject my very sensible sentencing package, which is based largely on that of your very sensible Labor counterpart, Mr Bob Carr.

Mr Stanhope: What, just bung every penalty up and think that is a sentencing approach, Bill? That is a dreadful approach to sentencing.

MR STEFANIAK: No, there are four or five different components of it. Don't show your ignorance here. I suggest you read it.

Mr Stanhope: Mandatory sentencing.

MR SPEAKER: Order, members! Relevance, please.

MR STEFANIAK: It is certainly not mandatory sentencing.

Mr Stanhope: Mandatory sentencing.

MR SPEAKER: Order, Mr Stefaniak! Direct your remarks through the chair.

MR STEFANIAK: I will, Mr Speaker. Clearly, he has either not read it or the Chief Minister needs to have a look at what mandatory sentencing actually is, and get his facts right in that regard.

We are certainly going to disagree about that but, had you been listening to my comments in relation to community services orders—one, they are a viable sentencing option; and two, in many instances they work and work very well. And yes—it is quite likely that quite a number of people who have completed them do not reoffend.

I know several people who have done community service orders who have not reoffended, to my knowledge, and I doubt that they would. So community services orders can be very effective. They are an effective, reasonable sentencing option.

Nevertheless, there are concerns when they are breached—like your concerns when defendants breach other types of orders—and it is important that appropriate action is taken. Sometimes that might not be much action at all, if the breach is technical. However, at other times there may well be a need for stronger action to be taken, especially in the case of orders such as these. In the way they are administered and the way they work, I think it is important to constantly ensure that systems are in place to minimise breaches.

It appears that steps have been taken by the department and are showing signs of working. They are to be applauded for that. I hope to keep monitoring this to see that these downward trends continue, because that is what the community expects to see.

Accepting what you have put on the table, I congratulate the department for achieving this reduction so far. There is a lot more work to do. Your sentencing review is taking an inordinate amount of time, although I note your comment about the department being busy. I hope that, with the review into those non-custodial options, any further improvements that can be identified will be put into practice by the relevant authorities. In that way, hopefully we will see further improvements in this very important area on this significant sentencing option which, when used properly, works very well for society and for individual defendants.

Motion, as amended, agreed to.

Wood-burning heaters

Ordered that order of the day No 6, private members business, be postponed to the next sitting.

Standing order 118—proposed amendment

MR CORNWELL (4.02): I move:

> That this Assembly amends Standing Order 118, in accordance with the Australian Labor Party's Labor's 2001 ACT Election Commitments (page 35, paragraph 8 'We will limit Ministers' answers to Questions to five minutes), by adding a new sub-section (c) shall not be longer than five minutes in length, and amends existing sub-section (b) by adding 'and' after 'refers'.

Mr Speaker, I have heard the comment that promises of opposition are often lies of government. I would not for one moment suggest that I should apply that comment to what has not happened in respect of one of Labor's 2001 ACT election commitments. On page 35 of their policy document they say:

> We will limit Ministers' answers to Questions to five minutes.

They go on:

> We will ensure question time is treated with respect. While it is undoubtedly a time for point scoring, under Labor there will be no avoidance of questions and no diatribes in response to questions.

If my colleague would just stop laughing for a moment, I would like to get on with the debate. The fact is that that is in the Labor election platform. I am sorry to say that I think whoever drew that up may have been a little enthusiastic as to what could and could not be achieved. The fact is, however, that it is in the platform and it has not been followed.

I have drawn attention to this matter on several occasions. On 16 May last year I pointed out to the Chief Minister that, in spite of this election commitment, on 7 May Mr Quinlan took 5½ minutes to answer a question; Mr Corbell took seven minutes, and then followed it up with a four minute answer to a supplementary question; and the Chief Minister on the same day took six minutes to answer another question.

On Wednesday 8 May, Mr Stanhope took nine minutes to answer a question from Ms Tucker. On Tuesday 14 May he took another five minutes to answer a question asked by to Mr Stefaniak and then another four minutes on a supplementary. On 14 May he took six minutes to answer Ms Tucker and four minutes on a supplementary. On 15 May, Mr Quinlan took six minutes to answer a question and on the day in question, 16 May, Mr Stanhope took nine minutes to answer a question from the Leader of the Opposition.

I have to say, sadly, that Mr Stanhope, as Chief Minister, rather brushed off my criticisms. The fact is, however, that it is an election promise and I believe it is capable of being implemented. All that is needed is a bit of control. I am sure that most people in this chamber, if they tried hard enough, would join Mr Wood and me in saying what we have to say and sitting down. We seem to be able to get our

message through reasonably promptly without going into great detail. Where a speaker's time is limited to 15 minutes it would be most unusual for Mr Wood or me to take 16 minutes.

I have moved this motion to keep the government honest in respect of its election promises. I have no doubt that the Assembly itself is well aware of what I am talking about. The crossbenchers have experienced the same long-winded responses as the opposition has. I believe, therefore, that my simple motion to allow one of Labor's election promises to be implemented, albeit introduced by a leader of the opposition, should be supported in this chamber.

Debate (on motion by **Ms Tucker**) adjourned to the next sitting.

Administration and Procedure—Standing Committee
Reference

MS TUCKER (4.08): I seek leave to move a motion.

Leave granted.

MS TUCKER: I move:

> That:
>
> (3) the order of the day concerning a proposed amendment to standing order 118 be referred to the Standing Committee on Administration and Procedure for inquiry and report; and
>
> (4) upon the Committee presenting its report to the Assembly resumption of debate on the motion be set down as an order of the day for the next sitting.

MR CORNWELL (4.08): Mr Speaker, as the mover of the motion to amend standing order 118, I wish to advise the alert and no doubt interested chamber that I have no objection to the motion moved by Ms Tucker.

Question resolved in the affirmative.

Federal property—funding support for fire protection services

MR PRATT (4.09): I move:

> That this Assembly expresses its deep concern with this government for:
>
> (1) not having met its obligations to provide timely advice to the federal government to ensure the timely provision of federal funding to support ACT Urban Fire Services for the purpose of protecting federal property in the ACT;
>
> (2) prevaricating in acquiring routine but essential federal funding needed to supplement the ACT's fire services capability given the lessons which should have been learnt from the December 2001 bushfires.

Mr Speaker, in December 2001 we had quite a horrendous fire which really was a wake-up call for the ACT. The fire of 24 December burnt very quickly. It was a severe fire that was burning, of course, in drought conditions. In emergency risk management terms, the conditions were quite atrocious.

The fire was brought to heel pretty quickly, but there were lessons to be learned out of that. A risk analysis of the ACT's position in the light of those fires and through 2002 would have indicated that we were looking at difficult times ahead, not to mention the fact that the lessons from those fires needed to be applied to the way the ACT organises itself for bushfire emergencies.

This was no time for the ACT not to mobilise all the possible resources available to it in its preparation for fire season 2002-2003. I say that again: in the wake of the 2001 fires, and given the conditions that the ACT faced, this was no time not to mobilise all the possible resources available.

One of the resources available for the taking was the federal funding made possible under the Commonwealth fire services payments to the ACT fire services program. This is funding provided by the federal government as their contribution to the ACT fire services in recognition of the mutually agreed obligation by the ACT fire services to protect federal property in the ACT.

Of course, this is not just a program designed to simply protect the federal Parliament House and other assets located in the parliamentary triangle, which, of course, would need to be protected by urban fire units. Both urban and rural fire brigade units, as elements of the Emergency Services Bureau, are expected to protect those federal assets located on the urban bush fringe of the ACT—for example the AFP property in Weston and Australian Defence Force facilities located around Campbell, Fairbairn and on the suburban fringe of the ACT.

So it is very important to acquire this federal funding, which is routinely made available on a fee-for-service basis. It is an important asset. Mr Speaker, every single dollar counts, and those ACT fire units designated to provide the fee-for-service service, if I can put it that way, would have their capabilities significantly lifted by the acquisition of those funds.

For example, if the ACT were able to argue, as part of its negotiations, that half a dozen urban fire units had a role to play in directly protecting federal assets, they would receive a significant amount of dollars and this would add to their capabilities—capabilities, I might add, which would be available to be utilised in all forms of firefighting, including domestic and local suburban requirements. The spin-off is that that capability would be generally available to the whole community.

So why did this government drag the chain in obtaining that funding through 2002 and 2003? This government surely can't have been expecting that the federal authorities would simply send that funding down the hill to the ACT government. It wasn't just a matter of that happening.

The obligation has always been that the ACT government and the Emergency Services Bureau, but more specifically the Chief Minister's Department—the responsibility primarily lay not so much with the Emergency Services Bureau but with the Chief Minister's Department—are required to submit their firefighting plan to the federal authorities for where and how the funding was going to be spent, and exactly what amount of funding they thought would be required on this fee-for-service basis. That is a fundamental tenet of federal funding acquisition anyway—it does not matter what capability or department we are talking about. Clearly, this government either does not understand that or it simply could not have cared less.

Was the funding, which would have been somewhere in the region of $4 million to $6 million annually, insignificant? Didn't we need that in the ACT to add to our fire fighting capabilities?

The federal government have expressed their frustration with the ACT government and the childish and irresponsible approach of the Chief Minister's Department specifically on this matter. Not only has the Chief Minister's Department dragged the chain, but this dragging of the chain has been childish. It has also denied valuable funding over a two-year period that should have been taken up. So we have just gone through a two-year period where funding which could have been provided to our ACT firefighting assets was simply not taken up.

As I said earlier, Mr Speaker, the December 2001 fires were a jolting wake-up call. When you couple that wake-up call with all of the dire predictions of continuing drought through 2002-03, there is no excuse for this government not having come to a rapid agreement to secure that funding. In the face of a drought and forecast conditions for the Christmas 2002 period which could be best described as negative, they should have at least eaten humble pie and taken what they could have got. We would have applauded that decision. We would have applauded their decision to perhaps go ahead and try to make up what they perceived to be the shortfall, rather than denying all funding.

The federal government's frustration is best expressed in a Department of Finance and Administration letter dated 20 December 2002 to the chief executive of the Chief Minister's Department, Mr Tonkin. In that letter the finance department says:

> I am writing in connection with the proposed new arrangements for the funding of fire services provided by the ACT Emergency Service Bureau (ESB) to Commonwealth-owned or occupied properties in the ACT.

The finance official goes on to say:

> I have become concerned that, despite a number of meetings between officers of my Department and officers from the ESB, real progress is not being made to resolve this funding issue.

So the matter was dragging. The letter later goes on to explain why the ACT government's dogged demand for what it was seeking—$6.22 million for 2002-03—was in fact unrealistic. And again I quote from this finance officer's letter:

> While annual payments in the second half of the 1990s were in the order of $5.5 to $5.8 million, these were calculated according to a formula handed down from earlier years that was not based on a detailed evaluation of the services being provided.

He goes on to say:

> Since 1998 the Commonwealth has divested a substantial amount of property in the ACT, on which rates are now being collected from private owners.

So he was spelling out the justification as to why there would be a reduction of the earlier fees in the order of $5½ million and, therefore, to ask for $6.22 million was like chasing candy in the candy store. That was the point that the federal Department of Finance and Administration was making. But still there was no action on the part of the ACT government to resolve this issue.

Mr Speaker, the very poor and doggedly bureaucratic approach by the Chief Minister's Department in dealing with this matter reflects not only an unacceptable level of pig-headedness but also the type of poor strategic thinking and risk analysis which clearly has characterised this government's approach through 2002. You might argue that if the ACT had been in full flood and enjoying a solid rainy season, perhaps this bureaucratic approach would have been in order—sure, to squeeze every last dollar that could have been squeezed out of the federal authority. That might have been acceptable but this was, of course, not the case.

Mr Speaker, when you compare this laid-back attitude about the federal funding that should have been grabbed with the prevarication on the part of the government in dealing with the urban fire services communications problem, you are left with an unacceptable picture of this government's inability to organise itself for emergencies. While I am pleased to finally see that the government is putting $23 million into an upgrading of emergency services communications equipment and for communications systems, this has been a long time coming.

Remember, the fire union rang the alarm bells on this capability deficiency very soon after the December 2001 fires. In fact, as I recall, because we went to bat on behalf of the unions, the union's call was one of the lessons to be learnt coming out of the December 2001 fires. Those lessons were ignored. I applaud the union for continuing to push this issue, not only in terms of what was right for the safety of its own personnel but in terms of its capability.

So, Mr Speaker, we have two examples of irresponsibility in the wake of the 2001 fires, during a period in which we continued to suffer drought and in which all the forecasts predicted a dreadful fire season for 2002-03. And yet this government prevaricated on two fundamental emergency capability planning issues—firstly, the Commonwealth fire services payments, and then the matter of communications. But today we are focusing on the payments.

Mr Speaker, if I might summarise: this breakdown in communication between the Chief Minister's Department and the Finance—

Mr Wood: No—no breakdown.

MR PRATT: Well, there must be if there has been no action over two years, Minister.

Mr Wood: What about the meetings you just referred to?

MR PRATT: Yes, finally meetings which had been pushed by the federal authorities to try and resolve the impasse.

This breakdown has resulted in the stoppage of urgently needed funds and firefighting capability. That is unacceptable. Therefore, the government has left the ACT dangerously exposed and now, by the way, it seeks to blame the federal government. The Chief Minister has tried to pass the buck for responsibility on this one but he is not going to get away with it. His subsequent attempt to claim credit for reinstating negotiations is in fact bogus and a massive misrepresentation of the facts.

To now say that he has resolved the issue or recommenced negotiations is misrepresenting the facts. The finance department had been prepared to negotiate funding for a couple of years but we have not come to the party—we as a community have not come to the party. Furthermore, the ACT government has not acknowledged the prepayment of the order of $3 million made by the federal authorities in good faith while waiting for the ACT to get its act together and provide the required funding model. That is churlish.

In conclusion, Mr Speaker, the opposition calls upon the ACT government to expedite this matter, to recognise that they have created the impasse and, for the good of the community and in the interests of safety, to enter into immediate negotiations to secure the funding which has been available for two years from the federal authorities.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (4.23): Mr Deputy Speaker, I want to make the point that I am responding to the speech by Mr Steve Pratt, member for Brindabella, member of the ACT Legislative Assembly—well, I would have thought so at any rate but we have just had an apologetic speech from someone on behalf of the Commonwealth. It is Mr Pratt MLA, not Mr Pratt MP. He is clearly putting the Commonwealth's case on this matter. I would urge you, Mr Pratt, to remember what building you are in. You are in the building of the ACT Legislative Assembly. You are representing the people of the ACT and I would think that what we have just seen is not the way to represent those people.

In fact, Mr Pratt is running a brief for the Commonwealth government—the sort of brief they have run for the last few years, saying, "Just sign up. Sign up no matter what." That is the brief you are running and I am sorry you are not representing the ACT community. Mr Pratt is running a cost-cutting exercise on behalf of the Commonwealth.

Mr Pratt made a very interesting comment. He referred to—and I will quote the three key words—the "doggedly bureaucratic approach" of the Chief Minister's Department. Do you know what that means? That means that the Chief Minister's Department is in there protecting the interests of the ACT and is not prepared to roll over on this issue. That is what it means. I like this "doggedly bureaucratic approach" because it is representing the people that you ought to be representing.

Mr Pratt says that there is a breakdown in communication. Well, one side is saying, "Sign here and that's it." Let us go back in history a bit. Negotiations go back a long time. They pre-exist this government; and, indeed, they pre-exist self-government. Negotiations have been ongoing since self-government.

Recent changes to financial management and audit legislation at the federal level necessitate conclusion of the negotiations to permit further payments. We are anxious to do that, protecting our interests at the same time. The ACT Fire Brigade's functions have always included the protection of all life and property in the ACT, including Commonwealth, and the provision of services equivalent to those found in other jurisdictions. Delivery of ACT fire services is funded from a single budget that has never distinguished between the nature and ownership of the property or who was requiring protection.

Prior to self-government, arrangements were in place to provide funding to the ACT Fire Brigade based on a formula of one-third municipal, one-third territorial and one-third national or Commonwealth. These proportions were used for internal Commonwealth financial purposes. At self-government, two-thirds of the funding base was transferred to the ACT and the Commonwealth retained the one-third of the fire budget nationally attributed for Commonwealth purposes. This one-third of the budget was then paid annually to the ACT. At self-government, DASETT, a federal department, was responsible for on-passing the Commonwealth payment.

In 1991-02 this changed to the Department of Administrative Services. Following that transfer, DAS commenced discussions with the ACT about a proposed MOU to cover funding along similar lines to the arrangements the Commonwealth has with other states.
In 1992 DAS indicated that it was not in a position to continue negotiations for an MOU and, instead, opted to continue annual payments, pending further developments. The Commonwealth continued those annual payments, which increased from $4.5 million in 1989-90 to $5.8 million in 1999-2000, and that was through the application of an agreed CPI inflate.

At a meeting on 9 March 1999 involving representatives from the Department of Finance and Administration, the Department of Defence and the ACT Emergency Services Bureau, the ACT was advised that the Commonwealth wished to reduce its payments to the ACT Fire Brigade budget. That was in March 1999. Correspondence between the Commonwealth and the ACT followed and negotiations re-opened in April 2001. However, no agreement was reached at that time or since on the amount of the Commonwealth contribution.

This may not be particularly relevant, because we want to move on, but if you want to do some maths you will see that for over 2½ years the former government was trying to do something—I know they were trying to do something—and for 1½ years this government has been trying to do something. But, of course, we are entirely to blame for that, according to Mr Pratt—we are the ones entirely to blame for it, notwithstanding that the former government, contrary to your view, was trying to defend the interests of the ACT. They were obviously trying to defend our interests. Now they have got a different view of the world. This change has come about merely because they want to make political capital out of this matter.

We have carried on that argument for 1½ years. Yes, that is too long. We wish it could have been settled before this but, unlike Mr Pratt, we are not prepared to settle on unjust terms.

For the 2000-01 financial year the ACT invoiced the Commonwealth nearly $6½ million. The Commonwealth through Comcover and the Department of Defence made two equal payments of nearly $2 million. An amount of $2,600,000 remains outstanding for the year 2000-01. That was at the time of the previous government, and I bet they bucked about it and argued the toss but they weren't successful. I acknowledge that but you do not.

During the 2001-02 financial year the ACT invoiced the Commonwealth a little more than $6½ million but the Commonwealth made no payments in that time. In total, the unpaid invoices amounted to over $9 million. The introduction of Comcover signalled a change in focus of these payments by the Commonwealth, which now appears to treat them as being in the nature of an insurance-type premium. However, the purpose of insurance is one of reimbursement of costs in the event of loss, which is vastly different to the concept of a payment for the maintenance of an expensive response capability such as the fire brigade.

The ACT is in a unique position with regard to the location of the central offices of Commonwealth departments, national institutions and other national responsibilities. It is true that some Commonwealth properties have been sold. But since that time the National Museum of Australia has come on line. It is also true that since that time there have been unfortunately a very large number of so-called powder incidents and the circumstances have changed. But it appears the Commonwealth does not want to acknowledge that, nor does Mr Pratt as he seeks to ignore the ACT interests.

In negotiations with the Commonwealth over many meetings—Mr Pratt acknowledged this when quoting from a letter—the ACT has pursued a line of argument that the risk associated with the national capital and the seat of government of the Commonwealth has influenced the capability of the fire services in the territory.

ACT Fire Brigade service delivery to the community is based on the ACT's standards of fire cover which were developed as far back as 1987. The standards provide guidance regarding appropriate initial response time and weight of initial attack. They are also the basis upon which the fire brigade's infrastructure requirements are determined. Consideration of the standards of fire cover has meant that the fire

brigade has developed a capacity infrastructure to support the possibility of needing to provide services rather than the response itself. Clearly, the costs of providing a force is one of the largest of the cost drivers.

Closer analysis of the Commonwealth proposal for payment based on response would mean that if no response were attributed to the Commonwealth then there should be no payment. So we only get paid if we get called out. Now do you reckon that is a fair thing, Mr Pratt? That is what they want. Is that a fair thing?

Mr Pratt: Perhaps not but you can still negotiate.

MR WOOD: Well, there you are. We are arguing that case. I wish you would join us in arguing that case.

If a response is required it is available to be on scene within 10 minutes on 90 per cent of occasions. This ability is underpinned by a standing capability based on accessibility. We are interested in these things and we want to provide a decent service.

The ACT differs significantly from other states and the Northern Territory in that the risk associated with Commonwealth facilities had greatly increased the brigade's infrastructure requirements, which determine response times and weight of initial attack to meet Commonwealth facility risk profiles, including facilities of national significance, national treasures—think of the National Library, the National Museum, and other places—and the business of government continuity.

The ACT contends that response and the standing capability required to support it are significant and they are costly components of the fire and emergency services provided by the ACT for the benefit of the Commonwealth. Mr Pratt does not want to acknowledge that. He wants us to roll over. The Commonwealth has agreed that the need for chemical, biological and radiological responses to national assets will need to be accommodated in whatever arrangements are agreed in recognition of that particular risk.

So there you are, we have been making some progress. They have agreed to that. We welcome the intervention of the Prime Minister and the indication that negotiations might move a little better, and I would be hoping for some flexibility from the Commonwealth.

The position adopted by the ACT is different to the system in place in most states. This appears to be a problem for the Commonwealth. But our position is entirely understandable when the unique circumstances of the financial arrangements made at self-government are taken into account.

Mr Deputy Speaker, there have been determined and vigorous efforts, over several years, and many meetings in our time and the time of the previous government, to settle this dispute on proper terms. It is unfortunate that a favourable outcome has not been achieved. This is due to intransigence on one side but it is not due to intransigence or breakdown on this side.

There should be sufficient knowledge on the opposition side of the Assembly about the arrangements of getting the Commonwealth government to agree to any financial arrangement to know that this motion is ill-conceived. The ACT has at all times—during the time of the former government, I might say, too—insisted on a fair deal, and we will continue to do so.

Let me conclude with a message to Mr Pratt, who will probably continue with his motion, and certainly to the crossbenchers: if this motion is passed then you will have weakened our bargaining position. Think about that. If we pass this motion, your colleagues, those for whom you are running this argument, will say, "Well, that's what the Assembly says. We can continue to get them to sign up the way we want them to." So it would be very unfortunate in that event.

I will take any message to accelerate this process. We have been doing the very best we can, in difficult circumstances. We raised the matter with the Prime Minister—that is heavy intervention—and, happily, he has said, "It's on the agenda. Let's keep it moving." But this Assembly, of which Mr Pratt MLA, is a member, needs to support the ACT in our bargaining with the Commonwealth. Please, let us oppose this motion, because it is not going to help the ACT one bit if it gets up.

MS TUCKER (4.37): The Greens will not be supporting this motion. I have watched this matter with interest for some time. Certainly, the previous government also battled with the feds on this. I agree with Mr Wood that it is rather unfortunate that Mr Pratt has taken the line that he has.

Basically there are two points that are important in this debate. The federal government is not prepared to take into account responsibilities that we have to carry in the ACT, and that has been an issue for quite some time. It is not going to get easier. It is going to get worse because we are obviously potentially vulnerable to the extra security risks that are present at the moment. According to Mr Wood, maybe that will make a difference in the negotiations. Mr Howard is very keen to show a duty of care. He is taking a duty of care in terms of the perceived extra risk of the ACT potentially being subject of terrorist attack or whatever.

Mr Pratt referred to the wake-up call of the 2001 fires. It was a wake-up call in lots of ways but unfortunately the Liberals would not accept it as that. At that time I put forward a motion calling on the government to re-assess, for example, the wisdom of replanting pines close to suburbs, but in their wisdom the government at the time said no, that was not a problem.

I raised during the term of the last government the question of support for firefighters. They asked for a better radio system. This government is apparently finally acknowledging this need with the development of the CAD system. However, this has not been the call from the firefighters on the ground, who feel their lives are at risk because the radio system has not been improved. My distinct memory is that I raised this matter during the term of the previous government as well. These issues have been going on for quite a few years. However, for a start, we still have not got real agreement on radios. Apparently, this is not going to happen for another year and in my view and the view of the men and women who fight fires, that is not good enough.

The position taken by the federal government is not good enough. I would be expressing concern about the federal government's behaviour in this instance, not concern about the ACT government's actions. As has already been said, both the previous Liberal government and this government have been trying to get the Commonwealth to take greater financial responsibility for the work that we have to do in the ACT. It is outrageous to suggest that payment should be made only if the force is called out. No-one could accept that that is a reasonable arrangement. Obviously, you have to support the service as a whole and not base payment on whether or not it is called out. It is essential that the service be maintained.

As I have said, the service will be increasingly essential, hopefully not because of any kind of terrorist attack but because we certainly can expect more fires as a result of significantly increasing global temperatures. We know that fires will be more intense because of the increasing incidence of drought. Several reports, which I cannot give you the reference to at this point—I have referred to them in this place so they are on the record—confirm that human activity has certainly played a part in increased global warming and that that is related to drought and fire. So we can expect that we will need to deal more and not less with these issues.

I will not be supporting Mr Pratt's ill-advised motion.

MS DUNDAS (4.42): While I would say that perhaps the ACT government has not acted as promptly as it should have in pursing and completing negotiations for a fair rate of payment for firefighting services relating to Commonwealth land, I do take the point made by the minister that this motion being passed by the Assembly will not help those negotiations in any way.

It is a complex task to work out the appropriate sum for firefighting capability maintained for a mix of ACT and Commonwealth property. This task has been made more complex by the fact that some Commonwealth land that has been sold has then been leased back. My understanding is that the Commonwealth has advanced around $3 million, but a sum of $2.8 million extra is being disputed.

The ACT government does have a relatively small budget and we cannot afford to forgo what may be as much as a couple of million dollars of federal government payments for service rendered. I agree that the approach of the federal government to say that these services will be paid for on a fee-for-service basis is not at all the way to go.

We need to have the capacity to be able to respond, hence you need people who are trained, who have the equipment, who are aware of how to fight fires, especially in buildings. Resources are needed to support such a capability. We do not have a fire every day in the ACT but we need firefighters every day, just in case.

I understand that negotiations are stalled and at this moment the ACT government is going without the additional sums of money the Commonwealth should be paying. I hope that there is a way to break this deadlock. I hope that there is a positive outcome so that the ACT can get the recognition and the support it deserves from the federal government for the services that are provided by the ACT government.

As I said, I do not think that passing this motion will help in any way the negotiating position of the ACT as it is working with the federal government to receive adequate funding for the services it provides.

MR PRATT (4.44), in reply: Mr Deputy Speaker, I would like to pick up on a couple of points that have been made in the debate. Ms Tucker is quite right when she says that the conditions that the ACT faces from bushfires will continue to be quite dangerous. She is quite right when she says that we can expect that we will have to at least attempt to maintain a high degree of readiness to face that danger. I would add that, given the internal security needs of the ACT and the security threat in our region and the rest of this country, we must maintain a high readiness for those types of threats.

Mr Deputy Speaker, Ms Tucker points out quite rightly—and I am willing to concede the issue—that the Commonwealth's demand that fire services be paid for on a call-out basis is not particularly smart and not particularly acceptable. I do agree that the Assembly needs to put the pressure on to try and negotiate a better deal.

Mr Wood: Would you withdraw your motion?

MR PRATT: No, I will not because—and I stress this point—whilst the Assembly needs to negotiate a more effective agreement it does not mean that we should deny access to that funding over a two-year period. The point of this motion is that, for the sake of arguing for a fairly small percentage in terms of what was previously made available and what we are seeking agreement on now, we have shot the goose and we have not accessed the very important funding that should be made available to our fire service units.

We have gone for two years without any funding—albeit, I agree, funding that might have been better negotiated. But I do not see why this government or this Assembly in general cannot negotiate with the federal authorities to improve the agreement, but accepting what is available now. Don't tell me we cannot accept what is available now and then negotiate catching up with what we believe we might be entitled to. That is the point of this motion, and that is why it is unacceptable for Ms Tucker and the minister to say that this motion has no role to play simply because we are having a bit of a tough time negotiating with the federal authorities.

I repeat: the ACT through 2001 and 2002 knew that we were approaching a dangerous fire season, and we did not go out as a community, under the leadership of this government, to acquire as many of the resources as we possibly could to make ourselves ready, to put ourselves onto a higher level of readiness, to face the approaching fire seasons. It is pathetic for Ms Tucker and the minister to point out that this is all just a fight, a bureaucratic spat, with the federal authorities and, therefore, we can excuse the fact that we have not acquired all the funding we should have acquired to make our fire units ready and more capable to face the challenges they have to face.

Mr Speaker, the minister has crowed about how terrific it is that the Chief Minister's Department has been pig-headed and bureaucratic in its negotiations with the federal

government. Well, I do not celebrate that at all, and I do not see why the minister ought to be celebrating that bureaucratic approach. In the process of exercising that dogged bureaucratic approach, all negotiations ceased and the funding did not flow. Between $4 million to $6 million per year, regardless of whether it was only 80 or 90 per cent of what we thought we should have been entitled to, was money denied to our fire services during a time of high risk. So it is pathetic for the minister to say what he did, and it is ridiculous for Ms Tucker to make the same sort of claim.

I wish people around here would take a longer and a more visionary view, do a bit of risk analysis and make decisions which are in the interests of the ACT community rather than fighting political battles. Ms Tucker is more concerned about a federal government that she does not like. Therefore, it is a matter of "Let's have a fight with them. Let's not worry about what is best for and what is in the best interest of the ACT community."

Mr Wood claims that I have abrogated my MLA's mantle in taking on this debate and that I am, I suppose, some sort of running dog for the feds. Well, that is a ridiculous and a childish claim, Minister. I am the shadow emergency minister and it is my job to hold the government accountable for its fire fighting capability and security capability in a climate of heavy fire and internal security risks. That is my job and I make no apologies for tackling you guys over prevaricating on providing the services and acquiring all the resources that you ought to be acquiring to make our services that much more capable.

I will continue to push you people to make sure that you go out and get all the assets which are available, including, by the way, long-term agreements with other jurisdictions whom we might be able to call upon to provide fire units in the case of call out and the declaration of emergency. That is what you have got to do, that is what the community expects, and that is what we will push. So do not give me this rubbish that I am running a brief for the blokes on the hill. It is my job as emergency services shadow to analyse where we stand.

I would prefer to simply encourage and work with you on making our services better. I am quite prepared to work with you on negotiating with the feds to get the deal that we are fully entitled to. But, in the first instance, I believe and the opposition believes that the funding has got to flow. The funding has not flowed for two years. Let us get the funding flowing and then let us go and work together to negotiate where we can finetune to get a better deal overall.

Mr Deputy Speaker, I will continue to encourage the government to get on with this. I ask the government to expedite this issue. I ask that the government do its best to get all the funding they can possibly get from whatever nook and cranny around this land to make our fire services that much more capable. They deserve it. I am sure the minister wants to make our units more capable. I just ask that we put aside these bureaucratic brawls and expedite the matter.

Question put:

> That **Mr Pratt's** motion be agreed to.

The Assembly voted—

Ayes, 5		Noes, 9
Mrs Burke	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Corbell	Mr Stanhope
Mr Pratt	Ms Dundas	Ms Tucker
Mr Smyth	Ms Gallagher	Mr Wood
Mr Stefaniak	Mr Hargreaves	

Question so resolved in the negative.

Adjournment

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

> That the Assembly do now adjourn.

Housing

MRS BURKE (4.58): Following on from the comments made by my colleague, Mr Pratt, it is my job as shadow housing minister also to hold this government accountable. I would like to respond to the housing minister's comments made to 666 2CN on 17 April 2003 at quarter to eight in the morning. In crying poor over the GST issue, Mr Wood said:

> Our funds for housing are limited. We have a flow of funds. Unfortunately the Commonwealth—as the Commonwealth is reducing the flow of funds for housing, so we're losing $6 million. That's a big gap to make up. Obviously we'll be looking for every avenue to do that.

His claim, though, very conveniently ignores the COAG agreement that was signed by all premiers and chief ministers. This agreement clearly states that the GST compensation under the current Commonwealth-state housing agreement, concluding on 30 June 2003, was indeed a one-off, which he well knows. The minister, therefore, would have been well aware of this $6 million one-off reduction, and I just find it extraordinary that he makes these sorts of crying poor comments.

The minister's remonstrations were a little amusing. He knew full well that it would not be coming again so why is he complaining that it is a big gap to make up? Indeed, I wonder why the minister had not budgeted for this change in the bottom line. If this is the case, it is very irresponsible.

Perhaps Mr Wood needs to push his Treasurer a little harder in regard to the funds the ACT receives from GST and stamp duty. Some of this revenue could easily be channelled towards housing needs. Maybe he needs to be pushing the envelope a little harder.

I would like to read from a letter to an ACT Housing tenant in response to a letter he sent to Senator Amanda Vanstone, the Minister for Family and Community Services. The letter is from Fiona Smart, Assistant Secretary, Housing Support Branch. Obviously, for the sake of privacy, I will not mention the name of the tenant. The letter, which I am happy to table, states:

> Thank you for your letter of 3 December 2002 to the Minister for Family and Community Services, Senator the Hon Amanda Vanstone, about funding under the Commonwealth State Housing Agreement. The Minister has asked me to respond on her behalf.
>
> The Commonwealth and the ACT Government entered into a four year bilateral agreement for housing assistance under the 1999 Commonwealth State Housing Agreement (CSHA) which commenced on 1 July 1999. In 2002-2003, the Australian Capital Territory received Commonwealth funding of over $24 million. The ACT will contribute around $8 million over the same period. Although the strategic directions for housing assistance are subject to Commonwealth agreement, it is up to the ACT Government to decide its priorities for expenditure of CSHA funds, including maintenance of properties.
>
> Under the CSHA, broad housing objectives are established in a multilateral agreement between the Commonwealth and all states and territories. Specific state and territory priorities are contained in bilateral agreements. The ACT bilateral agreement includes the objective of making multi-unit sites better and safer places to live.
>
> On 25 October 2002 the Minister for Family and Community Services, Senator the Hon Amanda Vanstone, offered State and Territory Housing Ministers an increase in Commonwealth funding for the 2003 CSHA to provide $4.75 billion over five years. She outlined that states and territories will be around $213 million better off if the current CSHA had continued for the next five years. The Minister's funding offer will allow five years of fiscal certainty for states and territories to provide housing assistance and will also feature indexation for the first time. States and territories will be asked to focus on the reduction of workforce disincentives and to increase private sector involvement in affordable housing as priorities in the 2003 CSHA. As with the current agreement, states and territories will have the flexibility to develop policies and deliver services to reflect the diversity of needs and priorities in their jurisdictions.
>
> I hope my comments are of assistance to you.
>
> Yours sincerely
>
> Fiona Smart
> Assistant Secretary
> Housing Support Branch
> 15 January 2003.

Illuminating, isn't it? I just want to conclude, Mr Deputy Speaker, by thanking the house for allowing me to put these facts forward and to place them on the public record.

Budget
Heart Day
Tony Burke

MS MacDONALD: Mr Deputy Speaker, I want to raise a few matters. Firstly, I would like to extend my congratulations to the Treasurer on bringing down his second budget. I believe he has taken a balanced approach, while still looking after the needy in our community. I commend him for his budget. I know that there will be those who will knock the budget. I know he has said that budgets do not get any easier but I think he has also done an admirable job with his second budget.

Secondly, Mr Deputy Speaker, I wanted to put on record my thanks to those people who turned up to the red breakfast which I held for Heart Day last Friday. We raised around about $250, and thanks to everybody who came along and donned a red T-shirt for the photo. For those of you who could not stay for the photo, I appreciate the fact that you came along. I know that Minister Wood and Mr Pratt were there. I know that Mr Stefaniak is sorry that he could not make it on Friday, but I appreciate the sentiment. As heart disease is the biggest killer in this country we know that this was a worthy cause and I sincerely thank everybody for turning up.

The final thing that I wanted to raise was my great joy, slightly tinged with a bit of disappointment, that today my good friend, Tony Burke, has just given his inaugural speech in the New South Wales Legislative Council. Tony invited me to hear his inaugural speech but obviously I had to be here, so I rang him this morning and wished him the best of luck. He had that little edge of frantic in his voice, which I seem to recall from the day that I gave my first speech. But having heard Tony speak at many events, I am sure he would have done just fine.

I mentioned Tony in my own inaugural speech because Tony was one of the two people who signed me up to the Australian Labor Party, and for that I will forever be thankful and grateful to him. As I said, I picked his brains and the brains of another good friend of mine, Patrick Low, about the ins and outs of the Labor Party and what being bound to Labor Party platform would mean for me. I have to say several years on that I have no objections to being bound by Labor Party policy because, at the end of the day, I think it is an underlying good platform.

I also shared a lot of, I suppose, good times with Tony and was very privileged to see him and his wife Cathy wed. They now have three delightful young daughters—I have met one of them, so I cannot really say that the other two are delightful but I am sure that if they are anything like their parents they will be. I just wanted to put on record my congratulations to Tony Burke, and in doing so ensure that his name appears in two sets of *Hansards* around the country on the one day.

Papers, tabling
ANZAC Day

MR PRATT (5.07): Mr Deputy Speaker, I would like to raise two issues. Firstly, during the presentation of papers yesterday, Ms Gallagher, the minister for education, presented five papers. She did not move that the Assembly take note of those papers

and during the smoke and dust and flurry of activity I tried but failed to have debate on the papers adjourned. I would just simply like to alert the house that at the next sitting in June I will seek leave to make a statement in reference to those five papers.

Secondly, on behalf of the opposition I wish to speak in support of and congratulate those people who were recently involved in the commemoration of ANZAC Day. This is the first sitting week since that commemoration—and I think we failed to get up and talk about it during the preceding sitting week.

I would like to take a minute or two, certainly on behalf of the opposition and I am sure on behalf of other members in this place, to state for the record our pride and to congratulate the national RSL and all of the local ACT RSLs for organising excellent and moving ceremonies around the ACT on ANZAC Day from dawn through till God knows when.

The main ceremony at 10.30 was a very poignant affair. It was made more poignant by the fact that young Australian men and women were at that time at war and in action—and, of course, they still are—in Iraq. Others, too, are on active service and UN service around the world, doing their best to project this country's involvement in trying to contribute to breaking old barriers and bringing peace. Against the backdrop of that, ANZAC Day was particular poignant.

The opposition is very proud of those men and women who are serving overseas. We are very proud of their families who have to stay at home and suffer and worry about how their people are faring. Of course, the opposition is also very proud of all of our veterans who are still able to march, and their families.

The last point that I would make is that it is pleasing to see that ANZAC continues to grow. It is very pleasing to see that our youth seek to turn out and support ANZAC. Those sceptics in the community who perhaps could be a little bit more positive about their country and their country's history should take note of that.

I will end on that point. Again, the opposition is very pleased with the way ANZAC went, and we hope it continues to be the successful tradition that it always has been.

Defence personnel in Iraq

MR STEFANIAK (5.11): Mr Deputy Speaker, in a somewhat similar vein, might I take this opportunity to express on my behalf, and I am sure the opposition's behalf and, I would imagine, maybe one or two other members—I would hope all members of this house, regardless of our views on the recent war in Iraq—our relief at the lack of fatalities, touch wood, so far among the 2,000 servicemen and women who are serving in that theatre. I think that is especially poignant because many of those people are Canberra-based residents. No-one likes any war, but it is particularly pleasing to note that, firstly, we seem to date to be fatality free; and, secondly, I think it is worth putting on the record the superb performances of our servicemen and women ranging from naval divers of the senior service clearing the port city of Umm Qasr—Mr Pratt probably can pronounces that better than I can—through to very effective support of navy commandos.

Of course, I should also mention the magnificent efforts of the SAS operating in the western and northern theatres of Iraq. They drew great praise for their thoroughly professional service and they received probably the ultimate accolade from President Bush, who described them as the best soldiers in the world. That comes from a person who is president of the county that has largest force in that conflict.

Of course, the RAAF has received great praise for the ground support missions it has flown. The competence of our servicemen and women was epitomised by the young pilot who decided of his own volition not to conduct an air strike because he was not clear about the danger to civilians.

Mr Pratt: Very professional.

MR STEFANIAK: It was very professional. Thank you, Mr Pratt. I think that exemplifies the role of Australian servicemen and women in this conflict. Although the troubles there are still continuing, I certainly hope that there will not be any fatalities and that they will all come home safely. I congratulate them on a job well done.

Housing

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (5.13), in reply: Mr Deputy Speaker, I guess I am pleased that Mrs Burke is having something to say about housing, because this is a refreshing change for the opposition, the destroyers of much of public housing. So it is a good thing if we have someone over there who is actively advocating for housing. I now wait for the day when she comes into here and announces a new Liberal policy about the assets that we hold.

I remember the meeting of state and territory ministers for housing when Senator Vanstone walked in and said to us all, "Well, I've got good news for you—we are actually giving you more money." The rather nervous state and territory ministers perked up a little and said, "This is better than we thought it was going to be." We got the announcement that, yes, Senator Vanstone's department would be providing, after a year's pause, indexation—the rather normal thing, but extra money. But then came the bad news, that the other agency of government that handles the GST funding was taking off money. So we got a little bit on the one side and a lot off the other side. That is the background to that story. So, yes, it is true that over quite a deal of time it may be that we get, through Commonwealth disbursements to the territory, GST funds.

I heard Mr Quinlan yesterday giving a very good answer to a question about the GST; that we are going to depend on the Commonwealth to maintain the agreement and all the support that was offered to the states in that. It will be some time before we can see if that is happening and if there is money coming in sufficient order for ACT Housing to be reimbursed. At this stage I am not particularly optimistic, but time will tell. In the meantime, I await the new Liberal Party policy on public housing in Canberra.

Question resolved in the affirmative.

The Assembly adjourned at 5.15 pm.