DEBATES

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LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 October 2003

Wednesday, 22 October 2003

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Wednesday, 22 October 2003

The Assembly met at 10.30 am.

(Quorum formed.)

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

Unparliamentary language

MR SPEAKER: Yesterday at the conclusion of question time Mrs Dunne attempted to make a personal explanation about the issue of her being described as being guilty of hypocrisy. I intervened and said that I would have ruled it out had it been said.

Overnight I have had a chance to reflect on the *Hansard,* and the decision and practice in this place over many years. On other occasions hypocrisy has been ruled out of order but I have formed the view that it is difficult in such a political hotbed to rule out discussion about the pretence of one's position, sometimes described as hypocrisy. That is not to say that I am going to allow it where an inventive use of the word could lead to disorder.

I will not tolerate using name-calling in this chamber—for example, where a member is described as a hypocrite—because I know that is unacceptable and unparliamentary. I have referred to an observation that was made by Senate Deputy President Wood where, in interpreting these matters, he made this statement:

> When a man is in political life—

I am sure he meant men and women—

> it is not offensive that things are said about him politically. Offensive means offensive in some personal way. The same view applies to the meaning of "improper motives" and "personal reflections" as used in the standing order. Here again, when a man—

a man or a woman—

> is in public life, and a member of this Parliament, he takes it upon himself the risk of being criticised in a political way.

I hope that clarifies the position for members.

Mrs Dunne: Thank you, Mr Speaker.

MR SPEAKER: I should add that I did not mean to intervene in such a way as to prevent Mrs Dunne from continuing with her personal statement, but I note that during the adjournment debate she returned to the matter.

Litter (Littering from Motor Vehicles) Amendment Bill 2003

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

MR CORNWELL (10.36): I move

> That this bill be agreed to in principle.

Litter, Mr Speaker, is a bane, I suppose, of our affluent society. It is untidy, it is unsightly, it is unnecessary and it is expensive. One aspect of the litter problem is, of course, the rubbish that is thrown from motor vehicles. There are people in society who apparently regard their vehicles as such pristine sanctuaries that they could not possible carry any of their litter or garbage home. It has to be removed from their vehicle as soon as possible and the easiest way to do this is to throw it out the window.

The problem, however, of dealing with these litterbugs was highlighted to me in a letter dated 29 April 2002 from the Minister for Urban Services, Mr Wood, in which he pointed out that under the current legislation, which is the Litter Act 1977, the driver of a motor vehicle, rather than the owner, is held responsible for any littering offence. The minister went on to say:

> In the light of this is it difficult to successfully charge an offender unless the driver can be clearly identified and admits to committing the offence.

I was concerned about this issue. I wrote to the minister seeking a change in the law similar to that which applies to speeding tickets, namely, that the speeding ticket is issued in the name of the owner of the vehicle rather than the driver. I believe that the same practice could work with litterbugs. So instead of attempting to prosecute the driver of the vehicle for littering, the charge would be levied against the owner of the vehicle. As with speeding, I have no doubt that a vehicle owner who was not behind the wheel would rapidly establish who was and pass on the cost of the littering charge to the driver.

The minister was reasonably sympathetic and pointed out that an amendment to the Litter Act, which was expected to be introduced into the Assembly during the spring 2002 sittings, would give consideration to making the registered owner of the motor vehicle liable for the littering offence. Unfortunately, the amendments to the act did not come into this Assembly in the spring 2002 sittings.

In question No 335 I asked where the legislation might be, and Minister Wood replied on 15 November to the effect that the amendments to the Litter Act, which may consider what I had suggested, would be introduced it the autumn 2003 sitting period. This again did not happen.

I notice that amendment to the Litter Act is still not listed for consideration in the spring 2003 legislative program. I therefore decided, Mr Speaker, that I would introduce my own private member’s bill in relation to this matter. I repeat that it is a simple amendment. It will simply make the owner of the vehicle, rather than the driver, liable for any littering offence that the vehicle is involved in. It is a simple amendment and I commend the bill to the house.

Debate (on motion by **Mr Wood**) adjourned to the next day of sitting.

Health and fitness

MS MacDONALD (10.42): I move:

> That the Assembly:
>
> (1) congratulates Fitness ACT for holding a successful Health and Fitness Expo on September 20, 2003; and
>
> (2) recognises the importance of promoting health and fitness in the ACT.

Mr Speaker, all Australians, including Canberrans, are getting bigger and becoming less active every day. The most recent figures released on Monday by the Australian Bureau of Statistics support this statement, revealing that more than 42 per cent of the ACT population falls either into the overweight or obese category—30,000 people more than 12 years ago. And the problem will worsen unless health and fitness levels in Australia and the ACT are addressed now. Education is the key and that is why the Fitness ACT Health and Fitness Expo needs to be commended and recognised today.

Mr Speaker, this expo has made an enormous contribution to understanding health and fitness issues for the ACT community. The Health and Fitness Expo held on 20 September this year at Exhibition Park was a great success, with more than 300 people attending the event. Fittingly themed "Keeping YOUth Alive", the expo offered visitors a huge variety of events, educational information and advice.

With 17 exhibitors, stage demonstrations showcasing the many different activities people can get involved with in the ACT were held throughout the day. Ranging from pilates, to aerobics, to a laughing group and to juggling for fitness, the demonstrations provided something for everybody.

Two relevant symposiums were also held in conjunction with the expo: "Combating Childhood Obesity with Exercise" and "The Ageing Symposium"; and several seminars addressing issues including nutrition, the benefits of massage and youth suicide also proved popular with, and valuable to, expo visitors.

This is the second year for the expo, Mr Speaker—the first, which was held in September last year, also attracted hundreds of local and interstate visitors. The organiser, Fitness ACT, have been even more successful with their second expo and are to be congratulated. I would like to congratulate and thank the 2003 Health and Fitness Expo committee, Dr Dion Klein, Ray Ballantyne, Pamela Neame, Clare O'Dwyer and Alison Dart, for putting on such a successful expo. Major sponsors ACT Health and Healthy Worksites also need to be recognised for their contributions.

So why is the continuation and growth of this event, and others like it, so important in the ACT? All we need to do is look at the statistics to answer this question. Firstly, we should look at the increasing figures of obesity in our society. In the past 20 years the number of obese Australians has doubled, with 60 per cent of the population now considered either overweight or obese. In fact, the number of young people presenting as overweight or obese is increasing at an alarming rate and has more than doubled in the

past 15 years, making it now even more important than ever before to educate our youth about healthy eating habits.

Current figures show that obese children have 25 to 50 per cent chance of progressing to adult obesity. This risk can increase to 78 per cent for older obese adolescents and, despite the 2000-2002 ACT Chief Health Officer's report revealing the ACT enjoys excellent health in comparison to other jurisdictions in Australia, Australians, including Canberrans, are bigger than they have ever been.

Almost all cases of overweight and obesity are caused as a result of energy imbalance, meaning too much energy in and not enough energy out. Our increasingly sedentary society is consuming increasing amounts of high energy, usually high fat, foods and the combination is proving to be literally fatal.

The consequences are enormous, Mr Speaker. Estimates place the direct annual cost of obesity in Australia between $680 million to $1,239 million. Obese adults who were obese adolescents have higher levels of weight-related ill health and a higher risk of early death than those who become obese in adulthood. Childhood obesity can lead to orthopaedic conditions due to postural imbalance and excessive weight bearing upon joints. Obesity impacts on the wellbeing of children, with studies showing a consistent relationship between levels of overweight and dissatisfaction with their bodies as well as their levels of self-esteem.

Being overweight or obese can also lead to increased risk of type 2 diabetes, cardiovascular disease, some cancers and arthritis, all of which have major health implications and can reduce life enjoyment and life itself. I would add, Mr Speaker, that this also has significant impact on the increasing cost of our health industry, and this is something which, of course, we should be trying to avoid.

So why are we becoming increasingly overweight and obese? If the current ABS figures are any indication, the main reason is because we are not eating a balanced diet. Mr Speaker, I would like to say that I was surprised that 72 per cent, or nearly three-quarters, of the ACT population does not eat anywhere near the amount of fruit and vegetables needed for a healthy diet, and more than 45 per cent of Canberrans eat either no fruit or less than one serve a day. I would like to say I was surprised, Mr Speaker, but I am not. I am saddened and, of course, alarmed that this is the case.

The nutritional survey found that inadequate consumption of fruit and vegetables is responsible for 2.7 per cent of the total burden of disease amongst Australian. While 2.7 per cent may not sound like much, Mr Speaker, this represents a significant contribution to the cost of our health system. An increase in the consumption of fruit and vegetables would have an extremely positive impact on our health system. I should add, Mr Speaker, that on the day prior to the survey a significant percentage of children had eaten no fruit or vegetables at all.

We know that fad diets do not work, but the sales of various fad diet books as well as quick solution diets continue unabated. I would love to be able to take a pill or potion and wake up at the correct weight and never have to worry about what I eat. Many people look to this type of solution but I know it is not the answer. The answer usually is:

undertake a sensible and lifelong commitment to eating well and moving more. And that is all the time. You cannot do it on a one-off basis—you have to do it continuously.

Seminars at the Health and Fitness Expo, such as nutritionist Julian Everett's "Diet Confusion, Don't Lose Fat, Release It" and Arthur Chapman's "Children's Fitness: Starting them Young", highlighted the need for adopting this sensible, lifelong eating plan. Do not consume more than you expend; variety is important; eat more fruit and vegetables; eat more wholegrains and wholemeal cereals, pulses and legumes; limit saturated fats and choose healthier fat options such as poly or mono-unsaturated fats; and enjoy low-fat protein foods such as meat, skinless chicken and fish.

We need to be getting these messages out to the community as much as possible. Of, course, exercise is also an essential part of any healthy lifestyle, offering many positive benefits, including weight control, increased energy levels and confidence and better general fitness and health.

Mr Speaker, this year's expo provided visitors with useful, practical information such as the importance of doing moderate exercise regularly rather than doing strenuous exercise occasionally. We should aim for 30 to 45 minutes of moderate exercise at least four times per week. Walking is an excellent form of exercise and is best done with a friend or other family members for companionship and safety. In the case of teenagers, it is also important to put reasonable limits on sedentary activities such as television, computers and computer games, since research has shown a strong relationship between these and obesity.

We also need to aim to increase our movement daily. Instead of trying to limit movement with lifts and escalators, remote controls and takeaway food, learn to appreciate every step, every wave, every stretch. But there are barriers to increasing exercise. Often a lack of time and motivation get in the way of our getting out there and getting that exercise done.

We should all try and find 10 minutes three to four times a day to do some sort of physical exercise. This, of course, does not have to be difficult. It can be making sure that you take the stairs instead of a lift, that you take the long way around when you visit somebody else in the building or that you walk around the block an extra time. If you get the bus to work, then walk to a more distant bus stop rather than going to a closer one. All of these things will add up to increasing our level of activity each day.

Motivation can be improved by scheduling exercise with friends or family members. Keep an exercise diary and remember: boredom kills motivation—variety is the key. Now that the weather is starting to fine up, why not start up a walking party at your work and take advantage of the wonderful Canberra streetscape? I know that this is a great time of year to start walking through Commonwealth Park. It is not too hot yet and it is good to get out in the middle of the day. Remember to keep it simple and think of movement not as a luxury but as a necessity.

Of course, the Health and Fitness Expo not only concentrated on nutrition and movement. Our health is also affected by other aspects. The incidence of mental health illnesses, depression, youth suicide and drug, smoking and alcohol abuse is steadily on the increase in Australia. Australia-wide it is estimated that 15 per cent of children aged

4 to 17 years have some form of mental health problem. The consequences of leaving these mental health problems untreated can be disastrous, resulting in future problems, additional strain on the health system and youth suicide. Researchers found that youth suicide is a leading cause of death among young people, second only to motor vehicle accidents, and suicide rates among 15 to 24-year-old males have trebled between 1960 and 1990.

While suicide is rare in children under 14 years old, it becomes much more common during adolescence. Research has found that the rise in suicide is most rapid between the ages of 15 to 19 years, but there is a further increase between the ages of 20 to 24 years.

Claire Kelly from the Centre for Mental Health's seminar "Beyond Blue: Youth Suicide Prevention" offered invaluable advice to expo visitors, including: what is the difference between "normal" adolescent behaviour and signs of emotional problems; how can I tell if my teenager may be thinking about suicide; basic help-giving skills; and how to ask the "right" questions at the "right" time?

How to reduce stress and anxiety in your life and improving overall health and wellbeing were also important aspects of the "Keeping YOUth Alive" expo. A recent US study conducted at the Mayo Clinic, a leading health facility, found that people who expect misfortune and focus on the darker side of life don't live as long as those with a more positive outlook. For those who find it easier said than done, however, the "Balancing Your Life Between Work and Play" expo seminar given by Dr Dion Klein and "Goal Setting in Life" presented by Janice Needham informed visitors on the best ways to achieve balance and harmony in their lives.

The Stanhope Labor government is committed to improving health and fitness levels in the ACT and this can be seen through its support of Fitness ACT. The establishment of an ACT health and medical research council, funding for the health and medical research support program, the development of the ACT health action plan and the mental health strategy and action plan are further evidence of this. But still more has to be done because the message is just not getting out there and sinking in.

Mr Speaker, I would add at this point on a personal note that I do not find that surprising because there are so many conflicting and confusing messages out there being given to all of our society that it is sometimes difficult to know which is the correct one. I urge the Assembly to recognise the importance of promoting and encouraging health and fitness in the ACT. I ask all members to try to encourage residents in their communities to try to eat a more balanced diet and to move more.

Mr Speaker, on a personal note I can say that I know it is not easy. I do not consider that I am at the correct weight at the moment—I believe that I am in the overweight category. I have been in the obese category and I managed to lose a large amount of weight, thereby improving my health. *(Extension of time granted.)*

I know it is difficult. It is often easier just to sit and not find the ways to increase exercise. It does look daunting when you get to the point of being obese. But I think it is important to try to encourage people by giving positive messages and telling them that it can be done. There are plenty of ways to improve our health. It is just a matter of giving people the right messages and getting those messages out there.

Mr Speaker, there is no better time to adopt a healthier eating plan and exercise regime than today. Spring is in the air, the days are warming up and daylight saving is about to begin. More sunlight hours offer Canberrans the opportunity to enjoy the outdoors for longer, to take a walk around the block before or after dinner, to do some gardening and play outside with the kids. It doesn't have to be something that is not enjoyable. Not only will getting out improve fitness levels but it will also give Canberrans the chance to catch up with neighbours and further highlight our community spirit.

So once again, Mr Speaker, I would like to congratulate and to thank Fitness ACT and all those people who worked so hard to get the Health and Fitness Expo "Keeping YOUth Alive" under way and make it such a success. I commend the motion.

MR PRATT (10.59): Mr Speaker, I rise to support the motion. I think this is an issue that very much goes to the heart of concerns that we have about our Canberra society. Initially, I want to congratulate ACT Fitness, and Dr Klein particularly, for their successful health expo and, of course, their consistent drive to put this issue at the forefront of the minds of Canberrans.

I had the honour to attend the Health and Fitness Expo. I spoke and participated in the workshop on childhood obesity, where a range of speakers were invited to talk about the issues, particularly as they affect the policy in schools.

Mr Speaker, this motion gives me the opportunity to raise again the issue of physical education in schools. Although I think the government has in place a good program, we cannot relax. We must seek to enhance that program. However, I note that the physical education program is not being implemented consistently across ACT schooling.

We on this side of the house have talked a number of times about the need to mandate a minimum level of physical education units in the school education program. In addition to that, we would like to see a minimum level of acceptable school sporting programs. We think this will help combat childhood obesity. As Ms MacDonald quite rightly pointed out, it is alarming to see the rates of increasing childhood obesity, and indeed obesity in society generally. There has been an alarming increase in obesity in this last decade and a half. We know that we are going to have to go into our schools and meet this head on.

I also propose—we have called on the government to implement this—that fitness assessments should be carried out in schools so that families can be told by experts the state of their children's health and fitness levels and so that schools can be encouraged to run the sorts of programs that are needed to target children who are having difficulty. Surely the time to combat obesity is in early school years. This is the time to set in place in the minds of our children a certain regime about how you should live your life so that you can be healthy and fit. Of course, school students who are healthy and fit will perform better mentally and get better results at school.

I would also like to say that the issue about competition being unhealthy is an absolute furphy. I will take this opportunity again, Mr Speaker, to say that we should not be frightened of the bogeyman of competition in schools. Surely we can organise our school sporting competitions to ensure that children at different levels of physical performance

get the opportunity to compete within their own peer groups. It has been done before and it can be done again.

Mr Speaker, I would like to conclude by saying that we also want to encourage schools to put in place sensible food programs so that school tuck shops can disburse healthy food. Schools need to make sure that tuck shops run healthy programs and thereby demonstrate to pupils what is important. Let's throw out fizzy drinks and start introducing juices. Let's get rid of fatty foods and start putting in their place greens and vegetables. That cannot be too difficult to do. I do not think we are trying hard enough. Perhaps the education department could look at putting down firmer benchmarks to encourage schools to do something about increasing the standards of their tuck shop programs.

Mr Speaker, I commend the motion. Again, this is a good opportunity to put this issue to the forefront of people's minds. We know we are faced with a quite significant challenge in combating not only just obesity in society generally but certainly childhood obesity.

MS TUCKER (11.04): The connection between health and fitness is a key issue facing affluent, sedentary, high intensity societies such as ours. I think everyone is well aware of the influences which are creating a greater degree of obesity in communities such as ours. These influences are related to the tendency for us to sit down more and do less physical exercise, and to eat the wrong food. Many suggestions have been put forward by interested people in the community about how we can address those issues.

The government has particular campaigns, as do other governments and community organisations. We could look at very extreme ways of trying to deal with this sickness in our society but, of course, governments are not likely to do that, and I would not particularly support such action. But we could see situations where you just ban particular sorts of food which are obviously so dangerous; or they should have health warnings on them and so on, and there has been some talk of that in respect of some of the fast food stores.

If we are going to change people's habits it is important—and research supports this—to take into account the psychological state of people. When you look at how you will empower people to do something about changing their lifestyle so that they will not be fat and therefore not so sick now and in the future, you have to consider their life circumstances. The first point that always comes up is that people have to feel reasonably empowered in their own situation in all senses. For example, eating can be comforting. It is the same as dealing with any kind of addiction. For some people, eating is an addiction and dealing with that is about self-empowerment and self-esteem and supporting them as human beings.

Of course, metabolic factors affect weight, and this is a real issue in our society. The discussion about obesity does not really take into account the fact that the physical appearance of people is related to their metabolism. It is much more difficult for some people to be able to reduce weight. There certainly is an element of judgmentalism in our society. Of course, as members are well aware, the media always promotes not only people who are not fat but people who are so thin that they look undernourished and sick. As a result, body image is a real issue, particularly for young people.

Work on this subject has been done by an Assembly committee and research has been carried out. Experts in the field do not agree with Mr Pratt that it is necessarily useful to have compulsory fitness testing because this can actually create a worse situation psychologically for many young people. The occurrence of eating disorders and body image problems is high enough for these factors to be considered serious health problems for young people, particularly girls, but increasingly for boys as well. So it is not so much a question of whether we should have compulsory fitness testing but whether we provide opportunities for young people to exercise their bodies in ways that they feel good about.

Mr Pratt also again raised the question of competition, and he suggested that people are saying it is an evil thing. Well, I do not know who he thinks is saying that. As I understand it, what people are saying is that there needs to be options for physical activity. Competition is appropriate for some people and not for others. Recommendations have been made in reports, such as the reports of committees that I have chaired in this place, that we should look at alternatives to competitive sport, which is the main avenue of sport available to schools at the moment. Some young people are saying quite clearly and consistently that they do not want competitive sport—that it is fine it is available, that it is fine it is there for people who like it, but those who do not like it and who are not by nature competitive need other options.

Obviously, many other options can be pursued. There can be lone sports such as cycling, surfing, snowboarding or whatever. However, you have to have the money to engage in some of those sports, and I stress that because a certain income level is needed to participate in a lot of these sports. There are also opportunities with dance, circus activities and so on, which have a very different and collaborative approach. Of course, dance can be competitive as can circus and physical activity—Ms Dundas is nodding her head—and competition can be brought into that, too. But it is about having opportunities for both competitive and non-competitive experiences of physical activity.

It is very interesting to look at the links—this is evident from research—between a sense of self-esteem for young people, the arts, for example, and physical activity. Breakfast radio on Tuesday last week featured an interview with the executive director of Chicago Arts Partnerships in Education, Arnold Aprill. Mr Aprill toured Australia towards the end of last year and is out here again. He has a very strong international reputation for his work centring on the incredible benefits the arts can deliver to some young people at risk of dropping out of education. It can keep them engaged in the education system; it can offer them a physical discipline and pleasure; it can, and does, give them a much stronger sense of their own possibilities and worth, which, as I have already said, is quite often central to people’s capacity to deal with being overweight.

This is work that is well researched and evaluated and the results are unarguable. The key point that he makes is that it is about a partnership between individual schools and strong, reputable, high quality arts organisations, and the outcomes for some kids can be life changing.

A discussion on ABC radio last week included Anne Bamford, an arts education researcher at the University of Technology in Sydney, who spoke exactly about that

transformative potential in the context of Bangarra dance troupe working with high schools in inner Sydney.

The Canberra-wide Youth Dance Festival that recently filled up Civic Square is a good local illustration of the potential to extend the base of physical activity in schools, and organisations such as the Warehouse Circus have shown what can be done out of school with kids who are more generally on the margins. So the key point I would like to make in this debate is that issues of health and fitness are not separate from other questions of social wellbeing.

The Warehouse Circus was a program that grew out of the now de-funded Belconnen Youth Centre. That centre was de-funded because government chose to run a competitive tender process for an expanded Belconnen-wide service and awarded the contract to the larger more professionalised Belconnen Community Service based next door.

The key feature of the youth centre that allowed for the development of the circus and a number of other programs was its permeability. It was an organisation with a flat structure that allowed and encouraged a sense of ownership and control among the young people who attended. Consequently, it could respond to interest and need—as demonstrated by the circus—and give support to the extent that it has, not just in respect of the obvious fun and fitness outcomes but management and employment outcomes as well. In other words, very small NGOs such as that one can perform a community development role which is something well beyond, but in the end vital to, any real improvement in our health and fitness.

Until we start to pull these strands together, the idea of changing how we operate in promoting health and fitness is a bit like pie in the sky. It is certainly a complex question and I think we have to be careful if we start simplifying it too much.

MR CORBELL (Minister for Health and Minister for Planning) (11.13): Mr Speaker, Fitness ACT, the organiser of the Health and Fitness Expo, is the umbrella organisation for the fitness industry in the ACT. This is the second year that the Health and Fitness Expo has been held in Canberra. Last year's event was extremely well received by attendees.

The theme of this year's Expo was "Keeping YOUth Alive"—that is, keeping you and youth alive—and the objectives were to raise public awareness of various health and fitness issues through seminars and interactive demonstrations, to expose the ACT and the surrounding community to massage therapy, health and fitness appraisals, nutrition consultations and other related wellbeing services, and to showcase local vendors and professionals who offer fitness and health products and services. I had great pleasure in opening the expo and announcing the program of public symposiums, seminars, stage demonstrations and exhibited displays.

ACT Health has been an active participant in both of the expos. This year the health promotion unit of ACT Health sponsored the expo and its vitality message—one of its main health promotional messages this year—of "Eat well, be active and feel good about yourself" was promoted in conjunction with the event. This message has been adopted to address risk factors common in many preventable diseases, such as cardiovascular disease, some forms of cancer, diabetes, muscle and joint problems, injuries,

osteoporosis and mental health problems. The vitality message reinforces the three essential things we can all do for ourselves to maintain good health and prevent illness.

The theme for the expo highlighted the importance of targeting young people with health and wellbeing messages and opportunities, but it also emphasised the individual. This meant that for those of us who no longer fit the young people category there were activities to appeal to our tastes and preferences when looking for something to improve our health and wellbeing.

Although figures show that the ACT has the highest participation rates in physical activity and the lowest proportion of obesity compared with the rest of the country, our activity levels have been declining since 1995 and within the same period obesity rates have increased. The good news, of course, Mr Speaker, is that we can all do something about it. Preventing overweight and obesity in children, improving nutrition among vulnerable groups and creating supportive physical environments for physical activity are just some of the ways the government is showing its commitment to not only maintaining a healthy lifestyle for Canberrans but also to improving it.

Katy Gallagher and I are committed to working together on the issue of obesity in children. We want to ensure that both health and education work cooperatively in addressing this issue in a range of ways, and I think Ms Tucker's points are well made in that regard. The expo presented us with a huge range of opportunities to learn more about improving our health and fitness, ranging from dancing, to easy aerobic activities, to kids' activities, to laughing clubs, to healthy ageing.

Fitness ACT should be congratulated on the expo, particularly the organisation, content and quality of their program of events. In particular, the public symposiums on healthy ageing and physical activity in schools provided plenty of food for thought as we continue to work to improve the health of all Canberrans.

MS DUNDAS (11.17): I, too, would like to add my congratulations to Fitness ACT for their successful expo. Unfortunately, I was unable to attend but, after seeing the program line-up and hearing what has been said today by members, I wish I had had the time to do so. The seminar program was outstanding and included sessions on general health, diet, posture, as well as youth suicide, and demonstrations on everything from pilates to body building to juggling for fitness.

Fitness is an integral part of being healthy. The fitter the population, the healthier the population and consequently the less we have to spend on health care. Physical activity can significantly reduce the risk of cardiovascular disease, type 2 diabetes, breast and colon cancers and osteoporosis. It can also have beneficial effects on mental health, reducing the symptoms of depression, anxiety and stress. I will repeat what has already been said during the debate today: fitness does not have to be undertaken in a competitive way for it to be successful and productive.

Sadly, 30 per cent of Canberrans, as we have seen recently in reports, are overweight and the prevalence of high level physical activity—that is, physical activity for a sufficient time and frequency to convey a health benefit—has declined 10 per cent between 1995 and 2001. Initiatives such as the "Way to Go" program and corporate challenges are a good start to countering some of these problems but I think we could be doing more to

promote fitness in the ACT. The “Way to Go” program has been used only in some suburbs—and I think it needs to be extended—to help encourage people to walk to work and look at different ways of getting around town, as opposed to always using their car.

I think we can do more in the area of planning. A recent study by the University of Western Australia showed that people living in streets with no footpaths are 62 per cent more likely to be obese. Many of Canberra’s newer suburbs have narrow streets with no footpaths. Because new developments are trying to fit as many houses in as possible, footpaths are being built only on arterial roads. We have to start thinking of the health impacts of the design of our suburbs, not just the short-term profits of building as many houses as we can.

People who live in cul-de-sacs, which are a strong feature of our newer suburbs, are also more likely to be overweight. Although cul-de-sacs have low rates of vehicle accidents, they may not really be safer once the health risks of obesity are considered. The link between cul-de-sacs and obesity shows how important it is for walking to be seen to be both pleasant and time efficient. If there is no direct or easily accessible route to walk to local shops, people will drive and hence do less exercise. This is something we need to be countering. We need to think about how people are doing exercise and encourage them to do more exercise in their day-to-day activity. As the ACT government is taking back land development from the private sector, it needs to address the health aspects of suburb design so we can really build healthy communities here in Canberra.

I would like to thank Ms MacDonald for initiating debate on how issues of fitness and health impact on everyone in the community. Rather than just looking at sporting activities, I think we need to be approaching this issue in a holistic way. We should be looking at how we can encourage people in the ordinary community to undertake fitness-related activity so that they can be healthier for longer.

MS MacDONALD (11.21), in reply: Mr Speaker, I will be brief. I would like to thank all members for their support of this motion. More importantly, I would like to once again thank Fitness ACT for having put on the expo and for continuing to strive to raise these issues. A number of things are being done in addition to what Fitness ACT do, but we need groups such as Fitness ACT to continually raise these issues.

I would like to address some of the issues that Mr Pratt raised—and Ms Tucker spoke about this, too—in regard to mandating a minimum number of hours of school sport. This matter has been discussed in this place. Indeed, it has been addressed in a committee report which is currently under consideration. It is my personal belief, and I think the belief of many people, that that is not the answer.

I spoke about how I had lost quite a bit of weight, having been in the obese category. I would say that my own personal experiences in childhood were in some ways bad experiences. I did not eat enough vegetables. I always ate plenty of fruit but I did not eat enough vegetables until I reached my twenties when I discovered how to cook them properly, but that is another issue.

Specifically, in relation to mandating a minimum number of hours for school sport, schools have tight timeframes and, as such, they will always take the simplistic and easiest option. They will choose team sports, which are competitive, rather than adopting

a number of different ways of increasing fitness. And that is a turn-off; it was a turn-off for me. It was not until I got to adulthood that I discovered that I do enjoy certain things. I enjoy going out for a walk and, at a later stage of my life, I have come to enjoy team sport. But when I was at school the choices were limited to competitive sport, and I have to say that I was never a fan of tunnel ball. Because I have two left feet, I was always one of those kids who were last to get chosen for a team.

I still have two left feet but that does not stop me from participating in a social and enjoyable atmosphere. I am big enough and ugly enough to give as good as I get from people who give me a bit of stick about having two left feet and no hand/eye coordination. I have to say that racquet sports are not my thing. To the end of my life I think I will have an absolute antagonistic attitude to tennis because of my experiences when I was a child.

Mr Pratt also said that school should be about teaching kids how to live your life. I do not agree with that. I think that is patronising. School is about guidance and advice, it is not about dictates. We have to give guidance to our young people—we have to do this right throughout people's lives—about the options they can take. It is not about forcing people into something, and I believe that Ms Tucker covered that fairly well.

Mr Speaker, I would like to close by saying thank you to all members. As I have already done several times now, I also thank Fitness ACT for the work that they have done. I commend the motion.

Motion agreed to.

Responsible and accountable governance

MS TUCKER (11.26): I move:

That this Assembly:

(1) supports the role of the Senate as an essential check on the power and the Executive of the Federal Government and as a mechanism for ensuring responsible and accountable government;

(2) rejects the proposal of the Prime Minister to change the constitution so as to enable a joint session of both Houses of the Federal Parliament without first requiring a double dissolution election;

(3) calls on the Chief Minister to write to the Prime Minister expressing grave concern about the proposal and calling on him to withdraw his proposal; and

(4) affirms the role of proportional representation as an electoral system which, through awarding representatives in proportion to shares of votes, ensures a democratic legislature.

I am raising this matter today because I believe it is essential that state and territory legislatures involve themselves in the discussion about proposed changes to the Senate. John Howard has put forward what he calls a modest proposal to reform the Senate, but it is not a modest proposal. It is a very serious threat to democracy in this country.

This change is, in fact, the most fundamental constitutional change since Federation. The "modest proposal", as Howard misleadingly calls it, would abolish the requirement for governments to call a double dissolution election before holding a joint session, thereby removing the capacity of the Senate to check the power of the executive.

It is important to realise that Howard and those before him have steadily removed any accountability in the House of Representatives. Party discipline has basically muzzled the house and the power of the executive—Prime Minister and Cabinet—has been growing at the expense of parliament.

It is interesting to look at the difference with the UK. Blair had to face 140 MPs crossing the floor over the Iraq war. He is now facing, in question time, a barrage of questions from his party on the elusive weapons of mass destruction and other matters. Compare that with the pathetic performance on the same issue in our House of Representatives.

This so-called modest proposal is an attempt by John Howard and his party to increase the power of government by making the Senate impotent. If that is not bad enough, a worse tragedy is that the so-called opposition is once again timidly running beside the government in supporting its worst deeds.

Hugh Mackay recently wrote in the *Age* about Australian politics and the challenge for a Labor leader as follows:

> This is a finely balanced electorate. When it comes to the crunch, our votes are usually split almost equally between the two major parties. But much of our apparent support for those parties is actually quite soft, which is why we are increasingly attracted to the Greens and to independents who seem to have something worthwhile to say.
>
> We are quite persuadable, but we need to feel that our aspirations and ideals are being addressed.
>
> For a start, we would hope to see clearer policy differences between Labor and the Government…
>
> Our faith in the two-party system, already shaken, is further eroded by any perception that there are insufficient philosophical differences to justify the adversarial character of our Parliament.

Mr Speaker, if Labor support that, they are showing themselves to be without integrity or principle. It is also interesting to see how the Democrats have been prepared to accept the assertion that something is wrong with the current system and have come up with their own watered down version. This is not the time for watering down a bad proposal. This is the time to say that it is a bad proposal and recognise it as the grab for power that it is.

What are the arguments being put by the major parties? Mr Howard claims the Senate is a house of obstruction. That is quite incorrect. The reality is that since 1973 the Senate has blocked less than 3 per cent of government legislation. On the other hand, interestingly, the government has opposed the 57 private members bills presented to the

current parliament. For example, the government recently opposed a bill Bob Brown put up relating to allowing pensioners, public servants and people with dual citizenship to run for parliament even though it was in their own policy.

The argument that the Senate is not democratic deserves a response because it is a fundamental question that Australians will have to address if there is a referendum. The major parties will, no doubt, push the line that it is not, even though it does not stand up to scrutiny and is inconsistent with the evidence. Of course, there is no perfect mode of democracy and in some ways it is an evolving process. One very brief definition of democracy I have read describes it as responsive rule. A fuller definition I have read is, “The necessary correspondence between acts of governance and the equally weighted felt interests of citizens with respect to those acts.”

It took representatives from 128 national parliaments, meeting in Cairo in 1997, 27 lengthy paragraphs to produce a universal declaration on democracy. One of the three principles set out reads:

> Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action.

Let’s look at Australia in that context. John Howard was elected in 1996. The coalition won less than 50 per cent of the vote, but won 65 per cent of the seats in the House of Representatives. The coalition were re-elected in 1998. Their share of the primary vote was under 40 per cent, but they still kept 55 per cent of the seats. The two-party preferred system delivered a similar result last election.

The increasing number of voters who are turning away from major parties are marginalised by this system and it is not democratic. On the other hand, the Senate, through proportional representation, is democratic. As Harry Evans points out:

> …proportional representation can be evaluated in terms of its effect of depriving governments of control of proportionally-elected houses, and thereby providing a legislative safeguard. From bitter past experience, we know that governments with the total power conferred by complete control of the legislature tend to become arrogant, overbearing and corrupt, and that an upper house not under government control can provide an antidote to this disorder.

Dr John Uhr of the ANU commented:

> The Australian situation is saved to a considerable extent by the existence of the Senate and its system of proportional representation which allocates seats more strictly on the basis of the relative strength of voter support. The basic issue is voter alienation and it is time for the major parties to stop complaining about it and do something about it. It is not the voters but the parliaments that are the problem, mainly because they are too slow to use their legislative power to open up parliamentary representation to those minority groups whose views they do not want to hear. It is obvious that if we are to enhance our democratic system we need to not muzzle the Senate but introduce proportional representation in the House of Representatives…

That is certainly what the Greens are proposing. There is also here an issue about the culture of politics. Politicians who seek absolute power, who rant and rave across the chamber, who turn political debate into petty bickering or outright bullying, fail to understand the importance of a civil contest of ideas, the importance of understanding that conflict is institutionalised so as to be civil and respectful and to deliver accountability and transparency in the work of those elected to serve the people. This contest of several different views is essential in a democracy.

Queensland Liberal Senator Brandis has been speaking stridently against the Senate recently. I was interested to see his comments about the Senate in an article in the *Australasian Parliamentary Review*. Talking about his experience in the Senate, he said:

> …a second impression which again rather surprised me as somebody who had seen the political conflict mediated through the five second grab on television news programs was the collegiality. Perhaps this is merely a feature of the Senate. I am not sure. But certainly within the Senate perhaps born of the fact that the government does not control the chamber and has not done so for a generation and therefore members must work more closely together, perhaps because of the committee system.

Mr Howard and Labor appear to be quite comfortable with the notion of removing the part of our democracy which works best. They strut the world stage extolling the virtue of democracy, yet at home they seek to destroy it. As Harry Evans, Clerk of the Senate, said:

> The joint sitting would simply be a formality. It would be like the House of Representatives. All government legislation would be just rammed through. Anything the government decreed would be rubber stamped. The whole parliament would be a rubber stamp.

It is actually about increasing power at the expense of accountability.

Mr Speaker, before I conclude I want to talk about the consultative process of the federal government for the discussion paper "Resolving Deadlocks". Last night I attended the first of a series of meetings to be held round Australia at which citizens will be asked their views about the changes proposed. There were about 20 people in attendance. The facilitator was openly supportive of the government's position. The discussion paper presents the case for change. The options presented do not include no change.

What was really interesting about this meeting was the response from the people present. Most of them had not seen the discussion paper before, but by the end of the meeting they were expressing their disappointment at the process. They were under the impression that a meaningful discussion would have allowed for alternative points of view to be put by the panel and be properly canvassed in the discussion paper. As one person put it, it seemed to be just a roadshow for the government's proposal.

Professor Malcolm Mackerras was articulate in his critique of the paper, calling it dishonest. I was concerned to see that, even though Professor Mackerras was against the options presented in the discussion paper, he was asked by the facilitator to choose between the options. Why this concerns me is that it would be most inappropriate if,

having asked people to choose the least-worst option, that was somehow interpreted in any summary of the consultation as support for that least-worst option. There really must be the opportunity for people to say that no change is their preferred option, otherwise the process could be easily manipulated to suit the agenda of the federal government.

The other comment I would make about this consultative process is that, considering how small the turnout was, there needs to be a rethink of how the meetings are advertised. The point was also made by people at that meeting that the environment was intimidating. Good consultative process requires careful thinking about not only how meetings are advertised, but also how they are run. To be fair, I point out that the facilitator did summarise the positions of other political players. The facilitator summarised Mr Crean's latest proposal and the proposals of the Democrats and Harradine, but the point made by people at this meeting was that alternative positions were not canvassed in the discussion paper and they were concerned that the facilitator was so obviously supportive of the agenda, which he said he was. He was quite open about that and people were very concerned about that.

In conclusion, I point out again that, even though the growing support for minor parties and independents may be uncomfortable for the major parties, that is democracy. The onus is on them to look at their own performance, not reduce their accountability to the people of Australia by removing important checks and balances.

It may be that we take the qualities and benefits of the ACT Legislative Assembly for granted, or even demean it sometimes because self-government was not initially supported. It is true that there have been a few moments of chaos here, but it seems very clear that that has been only because this parliament has been one of minority government, that the crossbench plays an important and constructive role with the government and the opposition, that we do work together in general in a collegiate manner, that reasonable resources are available for backbench, opposition and crossbench business, that the committee system is generally non-partisan, and that business is not rammed through by an inflexible, self-serving government, as appears to happen in most parliaments where the majority rule is so firmly established.

At present, the presumption of politics and of the media coverage of politics is that everything is a question of numbers and that it is weak to tolerate difference in your party or in parliament. Perhaps that explains why we are becoming less tolerant as a society. I would say that Canberra benefits greatly from the effectiveness and the constructive approach taken in this place. The accountability levels are high, but government nonetheless is able to govern.

The proposed changes to the Senate clearly illustrate thwarted ambition. If those politicians could shift their focus from the glorious ambition of driving the entire agenda of parliament and take a lesson from the ACT that a somewhat more modest and collaborative aim serves the community better, we could see proportional representation in the House of Representatives, minority governments and a coalition of partners with distinctive voices between them delivering better and more democratic government for Australia.

MS DUNDAS (11.40): I will be supporting Ms Tucker's motion as I too support the important role of the Senate.

The Australian Democrats were formed in 1977 partly as a response to the actions of the Liberal Party in 1975, whose blocking of supply brought about a constitutional crisis and the downfall of a government. The Australian Democrats have never blocked supply. One of those members who voted to block supply in 1975 was the current Prime Minister, who is now claiming that the Senate is obstructionist because it refuses to pass laws increasing the cost of medicines, making it easier for workers to be sacked, making it almost impossible for workers to take industrial action to protect their rights, giving different parts of Australia different laws, and taking pensions from disabled people.

I think that, as part of this debate on reform, we need to look at the facts. This year the Senate has passed 98 per cent of the bills that have come before it, compared with only 25 per cent of the bills being passed in 1975, when the Liberal Party had control of the Senate. In fact, the House of Representatives has blocked 86 per cent of the private members bills that have been passed by the Senate.

The Senate is a check on the executive power of the government and many people vote differently in Senate elections from what they do in House of Representatives elections in order to exercise this check. It is quite obvious that a significant number of Australians like the opportunity to vote differently and have different voices represented in the Senate. One in four votes at the last federal election was for someone other than the coalition or the Labor Party. Why do people do that? I believe that it is because they recognise the unique role that the Senate plays.

The Senate does review legislation. Its committees look at contentious legislation in detail and often ask stakeholder groups to give their views on legislation. The Senate scrutinises delegated legislation with independent advice and in accordance with criteria relating to civil liberties and proper legislative principles. It allows regular inquiries into and the public hearing of evidence on matters of public concern, including proposed legislation. It scrutinises legislation with independent advice to ascertain conformity with criteria related to civil liberties and proper legislative principles.

Over the years the Senate, thanks largely to the work of the Australian Democrats, has developed measures to require greater accountability on the part of governments and to review legislation through increasingly used orders for the production of documents to require governments to produce information on matters of public concern and controversy. It has frequently amended legislation to include provisions for the appropriate disclosure of information and adopted procedures for the regular referral of bills to committees, so that any bill may be the subject of public inquiry and the opportunity for public comment.

The Senate has conferred on its standing committees the power to examine annual reports of government departments and agencies to determine the adequacy of the reports and to inquire into the operations of particular departments and agencies at any time. As well as that, the Senate has taken many other steps over a number of years to improve accountability and check on government. That is something that I think needs to be supported, as opposed to what the government is trying to do, which is to water it down.

The federal government's proposals are not about making the system work better. They are about giving the government of the day even more power. As Harry Evans, the Clerk

of the Senate, has said, it would make the Prime Minister a virtual dictator. Australia is a proud and vibrant democracy and does not want or deserve a dictatorship. The system is not perfect and can always be made better, but not by making things less democratic.

The answer as the Democrats see it was first put forward by a governor of New York in the past who said, "All the evils of democracy can be cured by more democracy." Yes, the Democrats have put forward their own proposal for parliamentary reform, but it is not about rewriting the government's proposal. It is about changing the idea of what the debate is about from just being on the Senate to being on the entire parliament so that we can make the democratic system of the entire federal parliament better.

That is what I believe the Greens are doing by putting forward a proposal for reform of the House of Representatives. They are taking advantage of the opportunity that has been put forward by this debate to try to broaden the scope of the debate. The Democrats' main proposition is that the Senate works well and as intended by the Constitution, but we can always make the parliament work even better. We want to make the Senate and the federal parliament generally work better.

Some ideas have been put forward by the Democrats' federal leader, Senator Andrew Bartlett. They include: plebiscites on disputed legislation to give power back to the people; requiring parliamentary approval for going to war and the adopting of treaties; eliminating the Senate's ability to block supply of the ordinary services of government; reform of the House of Representatives to inject mechanisms of accountability in procedure; improving the regulation of political parties and stamping out donations that have strings attached; improving the accountability of ministers and staffers to combat government secrecy and abuse of power; and removing outdated components of the Constitution that prevent public servants and dual citizens from nominating for election to parliament, so that we do have greater democracy and greater accountability, which I think we all agree are great principles that we should be striving for.

The Democrats want to tackle the real problems in the parliament—the lack of accountability of political parties, ministers and their staff and the unchecked powers of the Prime Minister, such as the power to call elections at whim, sign international treaties and take our nation to war. We also want to look at the unrepresentative nature of the House of Representatives. That is what this debate should be about, not cynical attacks on the power of a Senate that is just doing its job.

That is why I support the motion put forward today that we reject what the Prime Minister is saying and that we call on our own Chief Minister to make clear to the federal government that we recognise how parliaments can work well, the importance of democracy and the need to strengthen democracy, as opposed to the proposal to weaken it put forward by the Prime Minister.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.47): The Prime Minister, as has been discussed through this motion, has proposed constitutional changes to remove the Senate's ability to block legislation. He made the proposal first in a speech to the Liberal Party's national convention in Adelaide on 8 June.

He first proposed that the Constitution should be altered by referendum to provide that, if legislation were rejected on a number of occasions by the Senate, there could be a joint sitting of the two houses called without the necessity to hold an election. That proposal was rejected out of hand by all parties and the Prime Minister seems to have backed away from it. Along with Ms Tucker and the motion, the Labor Party is happy to reject the proposal.

Mr Howard has since issued a discussion paper on such a proposal containing this and other options, including a joint sitting after a normal election. The assumption behind this option is that the government would take its twice rejected legislative proposals to the people and actively campaign on those proposals. It might be argued that there is some merit in what he is saying. However, as has been indicated by Ms Tucker and Ms Dundas, and as we all know, to agree to the proposal is to hand to the Prime Minister and the executive of the day incredibly enhanced power, ultimate power, in relation to the federal legislature. It would change the balance of power within the parliament. I am not being self-interested in this regard, but it would change the balance of power within the parliament in favour of the conservative parties, perhaps forever.

Since 1990, the conservative parties and non-ALP parties have held a majority in the parliament, particularly through the Senate. The Senate would continue to be a conservative house and it would thwart a reformist government if this were the only change to the Constitution that was made. We in the Labor are acutely aware that Prime Minister Whitlam twice put his Medicare proposal to the Senate and the Senate rejected the legislation on both occasions and it was only through the double dissolution mechanism and that particularly historic joint sitting that the Medicare proposal was passed.

The ALP federally has not yet made a decision to commit itself either way on the Prime Minister’s proposal, but has indicated that it is prepared to discuss the issues and to debate them on the merit of making changes and other reforms to the federal parliament. That would be a debate that it would be worthy and healthy for us to have.

Associated with the reforms that have been mentioned, there are other reforms that should be on the table. Leading those, we would suggest, is the establishment of a fixed four-year term for the federal parliament, a position that we adopt for the Assembly and think it also appropriate for the federal parliament. The Labor Party also would support the removal of the Senate’s power to block supply. I think we all know the history of that provision and would support an amendment to the Constitution to effect that as well.

I think that it is fair to say, Mr Speaker, that we would all willingly join the Prime Minister, whichever party we belong to, to find a way to reform the Senate, but to reform it in a way which is moderate and non-threatening and which respects the desire of the Australian people, a point which Ms Dundas makes, to differentiate their vote between the House of Representatives and the Senate to resolve deadlocks.

It has to be said in relation to the motion that Ms Tucker puts that we do need to accept the federal parliamentary structure as it is—a bicameral system with a Senate. From time to time, major frustrations are expressed on all sides of politics around the nature, make-

up, role, history and performance of the Senate and the House of Representatives—indeed, of all legislatures, as Ms Tucker rightly commented.

In the context of the federation as it is, in the context of the Constitution as it is and in the context of the arrangements and relationships that do pertain federally, with the Senate exercising the powers that it does in the federation and in the federal parliament, we would support the assertion that Ms Tucker makes around the role that the Senate plays as that essential check on the powers of the federal parliament. That is essentially the nature of bicameral systems and we see no good reason why, through the proposal championed by the Prime Minister, that that basic position should be changed and effectively render the federal parliament a Clayton's bicameral system, a unicameral system essentially where all power is vested in the House of Representatives and the Senate is reduced almost to a debating chamber with no real or formal role.

The bottom line is that, whilst perhaps some of the language of Ms Tucker's motion is not language that we, the government or the Labor Party, may have chosen, we will support the motion. I am attracted to Mr Cornwell's amendment, but we will, on reflection, support Ms Tucker's motion. I do so in the context of welcoming the debate that has been generated, welcoming the need for us to constantly consider the prospects of enhancing the operations of our federal parliament. We believe that the proposals that the Prime Minister is championing are very self-serving and do not enhance the capacity of that parliament to meet the democratic needs or aspirations of the people of Australia.

I think that to some extent the proposals do patronise the people of Australia on the point which both Ms Tucker and Ms Dundas make, and which I make, that the people of Canberra can be trusted, that they are intelligent, that they are intuitive and that they do know what they are doing when there is a differentiation in the vote between the House of Representatives and the Senate, accepting the disparity that there always is in single-member elections and multiseat elections. I have always felt that it is patronising to assume that the people of Australia cannot be trusted to vote or return governments, parties or individuals in political contests in a way that does reflect their real understanding of the political process and how politics work.

Whilst ever we have a federation and the federal structure we have and whilst ever the states exist and the Senate represents their interests and the people of Australia make educated decisions around who they are voting for, I am prepared to support, and the government in this place, the Labor Party, is prepared to support, the sentiments that Ms Tucker represents through this motion.

MR STEFANIAK (11.55): It is a great pity that the Chief Minister did not go with his gut reaction and support Mr Cornwell's proposed amendment, which he is very attracted to, because it is a far better proposal than this motion.

Ms Tucker came out with a tirade against the current federal government and Ms Dundas mentioned the major parties. A motion such as this one is not necessarily something that this Assembly should be considering. We constantly try to move into the federal field, whereas we are actually a state legislature. If people have significant concerns, they should convey them to the appropriate body, which is the one that the Prime Minister is setting up.

I do not think that the Prime Minister's proposal—I wonder whether Ms Tucker has read it—actually involves a rubber stamp. On pages 5 to 8 of the executive summary of "Resolving Deadlocks", the discussion paper which has been issued, there is a bit of a history about the federal Constitution and some of the changes to it. The most important change, which is very pertinent for us because we are discussing a motion by a member of the Greens, relates to proportional representation being introduced in 1948. I think that everyone here accepts that as a principle; we certainly do.

It took effect in 1949 and one of the consequences was that it fostered the development of minor parties. The Prime Minister says in this booklet that this has been a valuable evolution in the representative character of the Australian parliament, and it certainly has. He goes on to say that there was an amendment in 1983 which increased the number of senators in each state from five to six at a half-Senate election.

In practice, the election of an even number of senators at a half-Senate election, combined with proportional representation, has meant that it is virtually impossible for a government to obtain a majority in the upper house, no matter how large its majority in the lower house. That is something we have seen since then. I think that the last majority in the Senate was in the days of Malcolm Fraser. It is interesting that he did not actually use it, either.

The booklet goes on to say that the consequence is that the Senate holds effective control over the legislative and policy agenda upon which the government of the day has been elected, which is probably a fair statement and that, in practice, the minority has assumed a permanent and absolute veto over the majority, which has occurred on occasions. It is true that most of the government's legislation is passed by the Senate. That is obviously because most legislation is non-contentious. We see the same thing happening in this little parliament. The paper goes on to say:

> The Senate's record regarding legislation critical to the government's reform agenda has been quite different. Here there is a pattern of frustration.
>
> The problems created by this fundamental shift in the conduct of the Senate—which flows from the radical legislative change in its election and its composition—have been repeatedly identified by both sides of politics since 1950.

The Prime Minister goes on to speak about a bipartisan committee in 1959 with Gough Whitlam and Alec Downer, the father of the current foreign minister, which outlined the need for, and elements of, reform to the Senate. They suggested reform of the relationship between the two houses in the light of the change in the Senate's composition and function.

That committee reported that section 57 needs to be amended in such as way as to maintain the principle of responsible government and to ensure the precedence of national interests over other interests. A quarter of a century later, those concerns have been reinforced by the 1983 reforms which effectively ended the potential for a government to obtain a majority in the Senate.

The Prime Minister goes on to say:

> Unless we accept that a non-government majority in the Senate represents, in the absence of a double dissolution, a permanent veto on the legislative agenda of the government of the day, then we must pursue reform to section 57.

He states that over the last century section 57 has been invoked only six times and a resultant joint sitting held only once. That indicates that section 57 is not a very workable means of resolving deadlocks. He goes on to stress a need for constitutional reform just to rebalance the relationship between the two houses and to ensure that, where they are deadlocked, the parliament as a whole may reconcile the difference as expeditiously as possible. Quite frankly, I cannot see a huge problem with that. He goes on to say:

> Without such reform, governments will be unable to implement policies which have both a popular mandate and are essential to promoting good government.

He went on to talk about two options. The first option would allow the Prime Minister to ask the Governor-General to convene a joint sitting of both houses to consider a bill that has been blocked by the Senate twice during the life of the parliament, with the required three-month interval. If that bill were passed by an absolute majority, it would receive royal assent and become law. That would remove the requirement for a double dissolution election, as is currently the case under section 57.

The second option would allow the Prime Minister to ask the Governor-General to convene a joint sitting following an election to consider a bill that has been blocked by the Senate twice in the previous parliament and is blocked again in the new parliament. If the bill were passed by an absolute majority at that sitting, it would get royal assent and become law. Depending on the time the deadlock arose, the election could be either for the House of Representatives only or for the House of Representatives and half of the Senate. That option would remove the requirement to dissolve both houses, as is currently the case, but would require a House of Representatives election to break the deadlock.

The Prime Minister went on to say:

> Until such time as there is a more workable and efficient means of resolving deadlocks, the effectiveness of Australian governments will be impaired.
>
> Perhaps more significantly, the will of the electorate will remain subject to a veto for which there is no practical resolution.
>
> The solution must be to develop a model which more faithfully reflects the will of the people and the intentions of those who drafted the Constitution.
>
> It is a proposal therefore deserving of careful consideration and a constructive public debate.

There seem to be two options there. No doubt, if other options or modifications came up, they would be considered. Since 1983 there have been instances of a small minority coming up with an idea and, just for some immediate political gain, the major party in opposition or government in the Senate has backed it. Both major parties probably have been guilty of that. I do not know whether that is particularly good government.

The proposal is that the Senate serve its role as a house of review and a states' house, is not compromised by some mechanism which means there has to be a double dissolution, and gives due time and makes due attempts to reach compromises, such as having a bill go back twice over a three-month period. It is very similar to the situation in the United Kingdom—Ms Tucker probably would say that it is a more draconian situation—involving the House of Lords whereby since 1910 it could hold up legislation but ultimately not frustrate it.

Here we have a situation being proposed whereby, after due consideration, after two attempts, perhaps after some further delays and in one instance perhaps even after another election, if there is still a deadlock, everyone in the parliament, in the upper house and lower house, comes together and votes on it. To me, that is not such a bad idea. It is not necessarily going to happen. It is still a fairly significant step and we are probably not going to see it terribly often. But we are not likely to have a situation in our lifetime in which a major government has a majority in the upper house. That may be a very good thing.

The proposals put forward are deserving of debate and deserving of input, but I think that Ms Tucker's motion has a considerable element of self-interest to it. I can understand how a member of a minority party would want to see the status quo maintained. It is a very conservative motion in that respect, calling for basically the status quo to be maintained. Indeed, as a major party, they obviously have a vested interest; similarly with the Democrats. But I really wonder whether, at the end of the day, that is good government and that is really what the Australian people want.

I note Mr Howard has not used intemperate words to describe the Senate, unlike Mr Keating and his use of the term "unrepresentative swill", but it is clear that some problems have arisen there. The Constitution is not set in stone. It was always put forward with a view to being able to be amended by referendum. That is very difficult to do. It is usually necessary for both major parties to agree to such an amendment. But it is not a document set in stone. It is a document that can be amended and I think that it is timely for the Prime Minister to look at that. It is something that is not necessarily going to benefit his government, because he may not be in government all that much longer as governments change. It is something that is deserving of very careful consideration.

We will be voting against Ms Tucker's motion. We think that Mr Cornwell will be putting forward a much better way for this Assembly to contribute to this debate.

MR CORNWELL (12.04): Mr Speaker, I formally move the following amendment:

> *omit* paragraphs (1) to (3), *substitute*:
>
> "(1) invites members of the Assembly to write to the Prime Minister's consultative group on constitutional change and express their views on the role of the Senate.".

I am grateful, Mr Speaker, that you made your ruling this morning on the use of the word "hypocrisy", because there is a great deal about at the moment in the chamber. Apart from the obvious attack on the Prime Minister, obviously the minor parties here who are

also represented in the Senate are worried about this matter of constitutional change. It is strange that we had a diatribe against constitutional change from Ms Tucker, given that she wants to change everything else.

I would remind Ms Tucker that a consultative group on constitutional change, consisting of a leading constitutional academic, Jack Richardson, and two former federal attorneys-generals, Mr Lavarch from the Labor Party and Mr Brown from the Liberal Party, is conducting a public inquiry concerning "Resolving Deadlocks", which is a discussion paper on section 57 of the Australian Constitution. My colleague Mr Stefaniak has a copy of the document. The group is inviting people to put forward views, and submissions will close on 31 December.

Why should we be asked at a few hours notice—that was when I saw this motion on the notice paper earlier today—to make this decision now when there is a discussion paper out that asks those who wish to put in a submission to do so by 31 December? Why are we being asked by probably this Assembly's leading exponent of the consultative process, namely, Ms Tucker—the consultative process comes up time and again in this Assembly and it is said in relation to the people of the ACT that they are not being consulted enough—to make this decision on the spot with very little notice and also simply to accept what her views might be on this matter?

I find that very surprising, given that only yesterday she was quoted in the *Canberra Times*, in rejecting the involvement of the Auditor-General in budget talks, as saying that she was not prepared to support the amendment proposed without sufficient information about how the change would work. She said:

> We have been told it works well in Victoria, well where's the detail? It's an interesting proposal but we need more information and it should have gone to the Public Accounts Committee…

How come we need more information on the matter that was debated yesterday but, in relation to this possible constitutional change or possible Senate regulation change, we do not need more information?

One could argue that it is not the role of this Assembly to be telling the federal parliament what it should do in relation to constitutional change at that level. That, of course, has never stopped this place in the past. We have spoken about many things national and international—you name it; whatever good, trendy, left-wing issues may arise—that the crossbenchers, particularly the Green guard over there, believe that we should be looking at. I repeat that I find it amazing that the consultative process can be thrown out the window on this issue and yet it is being pushed constantly in this place in relation to anything else. In fact, I would regard it as a cop-out.

What I am suggesting is perfectly simple. If you have views, by all means put them forward to the committee. We may very well find that there are a considerable number of differing views in this place towards this matter. The Chief Minister, I thought, was feeling a little uncomfortable about supporting his fellow traveller over there from the left. Perhaps he feels that he is obliged to do that, but I believe that it would be easier for him, it would be easier for me and it would even be easier for Ms Tucker if we sent in our individual views and allowed this independent committee to take them aboard.

It is not a fait accompli, yet the motion that we have before us would suggest that it is. These distinguished men will look at the matters that come before them, the submissions that are put before them, and they will bring down, no doubt, a sensible report. Ms Tucker does not want that. Ms Tucker does not want the democratic process that she spoke of so often in her speech. She does not want the democratic process to come forward. No, she wants us to blindly accept the views that she is putting forward without any opportunity to consult with anybody in this community, far less to sit down and read "Resolving Deadlocks", the paper that has been put out by the Prime Minister's consultative group on constitutional change.

This great exponent of consultation is now acting like some sort of environmental commissar in demanding that we should blindly follow her views. As far as this side of the house is concerned, we are not prepared to do that. I find it interesting, as I say, that the person who purports to talk of consultative process has obviously been revealed to be very selective in what she believes people should be consulted about. I have moved the amendment standing in my name because I believe that that is the democratic and fairest way to address this issue, if the Assembly wishes to address it at all.

MS TUCKER (12.13): I wish to speak to the amendment. I will not be supporting the amendment, but I wish to respond to some of Mr Cornwell's arguments. Mostly, they seemed to be fairly personal. I do not know why he thinks that that was necessary. The actual argument that he put, as I understood it, was that this motion was disrespectful of the consultative process that the federal government is undertaking.

As I have explained, I was present at the ACT meeting last night. I am well aware of that process. I have also read the document, although it has not been made easily understood to members of the community how to get that document. I am assuming that Mr Cornwell and other interested people here would have read it if they had wanted to. I would not have thought that I needed to tell them to do that.

The main thrust of Mr Cornwell's amendment and the argument for it seemed to be that it is not appropriate for this Assembly to take a position on the proposed so-called reforms of the Senate. Somehow it is just about what I want and I want people to blindly accept what I want. I do not think that that is what happens in this place. People actually listen to the debate and have their views on the issues that we are debating. Just as Mr Cornwell is free not to accept my proposal today, other people are free to accept it. Obviously, that is always what happens in a debate in this place.

Mr Cornwell feels that there was no notice given of this motion. It has been on the notice paper for months and I know that it was identified in government business as work we would be doing this week. There may be some communications problems within the Liberal Party if Mr Cornwell was not aware of it. It is also clearly not a new issue. Public commentary on it has been going on for months as well. I think that that is not a particularly reasonable objection to my bringing on this motion.

In terms of members being able to contact the consultative committee, of course they are free to do that. You do not need an Assembly motion calling on members to have input to that consultative committee if they want. Mr Cornwell also said that it was an independent committee. As I have already explained, the facilitator last night did indicate

that he was a supporter of the government's position. The document itself does not have all the information in it about different options and it does not have as an option no change to the current system.

I have already explained, but I will do it again for Mr Cornwell's benefit, that the members of the ACT public who were there last night expressed concern because they understood that the discussion paper would have many points of view there for discussion to stimulate thinking and the debate. The concern expressed by most of the speakers last night—ordinary people from Canberra—was that they did not understand the process because the facilitator was supporting the government's position and the other two gentlemen sitting there did not say very much.

I asked the other two gentlemen, Mr Lavarch and the other person whose name Mr Cornwell mentioned, to explain their position—it is all on the record—and they said that they were not connected with the discussion paper. That was clarified during the meeting, although, as I said, the facilitator was definitely supportive of the government position and the discussion paper does not put all the options.

In fact, Professor Mackerras pointed out that it was a dishonest document, because it does not point out the lack of representation in the lower house. I have already read out those figures, but I will repeat them in response to Mr Stefaniak's claim that somehow the Senate is unrepresentative. If you look at the figures for John Howard and his government, you will see that when they were elected in 1998 their share of the primary vote was under 40 per cent. The fact that the electoral system allows them to have 55 per cent of the seats is an issue of concern to people who are interested in who has a mandate and who does not have a mandate.

I think that it is also important for state and territory legislators to debate this issue because it is going to affect every Australian citizen. It is perfectly appropriate that we have this debate in this place and that, if a majority of members are of a particular view, that view be directed directly to the Prime Minister, who is the main instigator of this so-called reform process. It is perfectly reasonable for the Assembly to do that. It is also perfectly reasonable for individual members to write to the consultative group who are undertaking the "Resolving Deadlock" discussion process. As Mr Cornwell said, there is absolutely no issue with that, but I do not think that it is at all appropriate that Mr Cornwell's amendment be supported, because this is a legitimate debate and we have the right to put the view of the Assembly to the Prime Minister.

Question put:

> That **Mr Cornwell's** amendment be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mrs Burke	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Corbell	Mr Quinlan
Mrs Dunne	Mrs Cross	Mr Stanhope
Mr Pratt	Ms Dundas	Ms Tucker
Mr Stefaniak	Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Amendment negatived.

MS TUCKER (12.24), in reply: To conclude, I thank members for their participation in the debate. I will respond briefly to some of the comments of Mr Stefaniak in his summary of the history of our parliamentary system since Federation. I think that it is important to take into account in talking about these sorts of things that the original framers of our Constitution had within their concept the notion of responsible government.

The notion of responsible government at that time related to the capacity of the parliament to keep the executive in check. That, obviously, does not happen any more because of the very strict party discipline. The notion of responsible government has changed to the notion of accountable government. Accountability is something that is resisted by governments. It is really easy to see that if you look at the accountability measures.

Mr Wood: Rubbish! Not so.

MS TUCKER: Don’t take it personally.

Mr Wood: A bland statement like that—come on!

MS TUCKER: I am hearing from people who have been offended. I am actually talking generally about the Australian parliament and I am citing a paper by Harry Evans, the Clerk of the Senate, about the history of Australian parliaments. If you look at the history and you look at the response of governments in the lower house of the federal parliament to accountability measures that were proposed, you will find that they have resisted them. Much as you might not like it, that is the reality and history shows it. I am happy to give you a copy of a paper from Harry Evans which shows that that is the case.

The argument that he is putting in that is that, where you have a government in majority, accountability mechanisms are resisted. That is why the upper house, the Senate, has been so important in bringing about accountability mechanisms and measures in governance at the federal level. It is extremely important that people remember that and look at that history and the movement from the concept of responsible government to that of accountable government and the way that accountability measures have been introduced into the federal sphere. The evidence is there and I think that it needs to be looked at. It would be better if, instead of making grumpy comments, members actually respected the work of Harry Evans in the research that he has done on that.

Motion agreed to.

Sitting suspended from 12.27 to 2.30 pm.

Questions without notice
Bushfires—coronial inquest

MR STEFANIAK: My question is to the Chief Minister. Yesterday, in answer to a question about what CSIRO fire expert Phil Cheney had told the Emergency Services Bureau about the impending bushfire, as reported on page 1 of the *Canberra Times* of 14 January, you said, amongst other things, "I don't believe he told the Emergency Services Bureau." Chief Minister, do you think that it is proper to impugn the integrity of a public servant of whom you have never heard, testifying on oath, on no firmer basis than the accusation that the public servant in question, Mr Cheney, had remained silent when his interview was cancelled?

MR STANHOPE: As I indicated yesterday, I am concerned that the Liberal Party in this place, the opposition, are keen or determined to have a rerun of questioning in the Coroners Court on issues before the coronial inquest.

Mrs Dunne: I take a point of order under standing order 118 (a), Mr Speaker. The Chief Minister is not answering the question. On two or three occasions he has said that he is concerned about the Liberal Party's approach to questions.

MR SPEAKER: What is the point of order, Mrs Dunne?

Mrs Dunne: That Mr Stanhope is not answering but giving a discourse on his concern about the Liberal Party's approach to questions. If he has a concern, he might seek your guidance as to whether they are in order.

MR SPEAKER: What is the point of order?

Mrs Dunne: That he should answer the question in accordance with standing order 118 (a).

MR SPEAKER: I think that he is. Your question raised the issue of the response that he gave yesterday.

Mr Wood: Mr Speaker, on the point of order, the alleged point of order, the non-point of order: I ask you to require that the opposition cease their deliberate tactic of interrupting without reason as often as they can. That is a tactic that they are employing and it is improper.

MR SPEAKER: Order! Frivolous points of order are out of order. Chief Minister, would you like to continue?

MR STANHOPE: Thank you, Mr Speaker. I was alluding to the direction, the information or the guidance that you did provide to the Assembly yesterday in relation to the way in which matters before a coroners court have been dealt with, particularly in the federal parliament, from which we take some guidance. Mr Speaker, I recall that you alluded to the fact that members should use some discretion in seeking to visit in a parliament issues before a coroners court. I made the point yesterday, but the opposition were determined to continue for the purposes of cheap political yardage or mileage to

raise issues that were current before the Coroners Court, so I was simply repeating my concern to put into context the answer I give.

Going to the point that Mr Stefaniak raises, the opposition raised yesterday an issue around alleged evidence by a witness before the Coroners Court—an allegation that he said something to a member of the ACT government on 14 January. I have not read the transcripts. I am happy to allow the Coroners Court to do its business. It is an extensive and expansive inquiry that is being undertaken. It is being assisted by four or five senior counsel. It is costing the people of the ACT $7 million or $8 million to conduct. I cannot honestly see the sense, the wisdom or the good judgment in pursuing in this place every issue that is being pursued in the Coroners Court.

I am not going to read the transcripts. I am not going to engage in some sort of cross-examination from a distance and from this place of witnesses that are before the Coroners Court in terms of things they may or may not have said and whether what they did say was true. It is a very good point on the dangers of this approach by the Liberal Party that Mr Stefaniak stands up and says—

Mr Stefaniak: I take a point of order, Mr Speaker. I asked a specific question. The Chief Minister is going off on a tangent. He is not confining himself to the subject matter of the question, as required under standing order 118. He is talking about another matter entirely which is procedural rather than being specific to the question.

MR SPEAKER: Mr Stefaniak, it has never been the practice in this place or in many other parliaments in recent times for ministers to answer questions in exactly the way in which members want them to be answered. You raised the issue of the coroner’s inquiry and you raised the issue of what the Chief Minister said yesterday and, in my view, the Chief Minister is responding to those issues.

MR STANHOPE: I was about to conclude on the issue raised. The issue raised by the opposition yesterday and repeated today is, essentially: Chief Minister, what do you think about evidence that Mr Cheney gave in the Coroners Court to the effect that he had a certain conversation with a member of the ACT government?

I do not even know whether Mr Cheney was cross-examined on the point. I do know that Peter Lucas-Smith is the person with whom, you allege, Mr Cheney is alleged to have said in the Coroners Court that he did have this conversation.

I do not know whether he said it. If he did say it, I do not know whether he was cross-examined on it. I do know that Peter Lucas-Smith has not yet given evidence in the Coroners Court because he has not yet been called. Peter Lucas-Smith has not had an opportunity to be questioned on the issue. He has not had an opportunity to confirm or deny it. Why don’t you let the Coroners Court process proceed? Why don’t you allow Peter Lucas-Smith to give his evidence on the point?

You have a classic situation here of a determination to deny the processes and to deny natural justice. You refer to an alleged conversation between a witness who has appeared—I do not know whether he has been cross-examined on his evidence—and another person, an ACT government official, who has not yet been called, who has not yet had an opportunity to confirm, deny, rebut or put in context that conversation. That is

the danger of this grubby path that you are going down. It is grubby politics and, in the context of my responses yesterday, I was responding negatively to your grubby politics on this issue.

MR STEFANIAK: I have a supplementary question, Mr Speaker. I suggest, Chief Minister, that you read the transcript of yesterday and what you said about this person. How many more public servants are you going to bag out if they make statements that you do not like?

MR STANHOPE: My position in relation to this matter was the position I attempted to take yesterday but in relation to which the opposition continued to ask questions. I think that four of the questions asked by the opposition yesterday went to evidence given before the coroner. I think that this is really quite extreme and it is appropriate for me to refer to it as grubby politics. We have a coronial inquest in place, it has barely started, it has a year to run, and the opposition stand up in this place and say, "This bit of evidence was given in the Coroners Court. What do you say about it?" This is just nonsense of the first order. It is grubby. The position I am seeking to put, Mr Speaker, is that I do not wish to engage and I will not engage in this sort of witch-hunt.

Mrs Dunne: I take a point of order under standing order 118 (b). The Chief Minister is not answering the question; he is debating the subject.

MR SPEAKER: I think that the Chief Minister has concluded his answer. At the same time, may I say that it is open to the Chief Minister to answer questions how he wishes—subject, of course, to the standing orders. But I cannot say that the answers will always please everybody.

First home owners scheme

MR HARGREAVES: My question is directed to the Treasurer. Last week there were reports that children had been successful in obtaining grants under the first home owners scheme. It was reported that, in Victoria alone, there were 72 successful recipients under the age of 18. One case was reported in the ACT. Will the Treasurer inform the Assembly of the situation in the ACT? How was a person under the age of 18 found eligible for funding under that scheme?

MR QUINLAN: The member asks an important question. The first home owners grant is administered under the First Home Owner Grant Act, which was drafted in conformity with the principles set out in the intergovernmental agreement, or IGA, on the reform of Commonwealth-State relations, which was associated with the introduction of the GST under proposed arrangements agreed to by Commonwealth Treasury. Under those arrangements it was agreed that no minimum age limit for applicants would apply. Under the IGA, the Commonwealth must agree to any changes to eligibility criteria for the first home owners grant. At all times those grants have been administered within the terms and principles of the act and the intergovernmental agreement.

Since the commencement of the scheme, 9,371 grants have been paid. I hasten to add that that was the position at the time I was briefed. In addition to the initial eligibility checks that are carried out before the grants are paid, the ACT Revenue Office conducts extensive follow-up compliance investigations, using internal and external sources, to

prevent abuse of that scheme. If it is found that not all eligibility criteria have been met, the grant is recovered and legal action is taken, where appropriate. Penalties can and have been applied in a number of cases. Since the commencement of the grant scheme, the ACT has conducted 1,548 investigations, resulting in 68 assessments of repayment of the grant and one successful prosecution in the ACT Magistrates Court.

In the ACT one case was identified of a first homeowner grant of $7,000 being paid to a person under the age of 18. In that case, appropriate checks were carried out on the application to ensure that all eligibility requirements were complied with, including the requirement that the applicant occupied the home as his or her principal place of residence before the grant was paid. South Australia and New South Wales acted unilaterally in 2001 to legislate a required eligibility age limit of 18 in South Australia and 16 in New South Wales respectively. Both jurisdictions included the discretion to exempt an application from that requirement. To maintain uniformity in the scheme, the ACT government, in consultation with the Commonwealth, the states and the Northern Territory, will be seeking urgent amendments to the legislation to restrict eligibility to persons over the age of 18. Amendments will be backdated to take effect from 14 October.

As I said earlier, some states have taken unilateral action in this area. I wrote to all Treasurers across Australia in an attempt to organise a meeting of senior treasury officers to ensure uniformity in the legislation and in the rules applying to the first home owners grant. From time to time there have been discussions about other dimensions of the first home owners grant—for example, why it should be paid for $1 million homes, why James Packer might not qualify for such a grant, whether it should be means-tested, and what the rules should be. The fortunate federal Treasurer—Treasurers need a lot of luck and Mr Costello certainly has had some—did a backflip in relation to who is responsible for what, which is typical of him. That matter should concern everyone in Australia, as that gentleman is aspiring to become the next Australian Prime Minister.

The Commonwealth set out the original conditions. In fact, discussions were held with the Commonwealth in an attempt to change those original conditions. The federal Treasurer refused to sanction those changes. I must confess that I was not aware of the full details of this scheme until these problems arose. Despite the fanfare of the Commonwealth to the introduction of the first home owners grant, it is actually being paid by the states. It is part of the GST agreement. Grants that are paid in the states are deducted from GST revenue that accrues to them. With that in mind, the states are now embarking on coordinated action to set conditions on a grant for which they are effectively paying. The ACT is leading other states in that area.

MR HARGREAVES: I ask a supplementary question. What is the ACT government doing to address this loophole in the legislation?

MR QUINLAN: After consultations with the other states this government will introduce uniform legislation, which is as it should be. As I intimated earlier, this oversight should have been accepted at all levels as an oversight. The Commonwealth, which pointed the finger of blame, did not accept it as an oversight. I place on the record that the framework for the system, which was established by the Commonwealth, will be fixed by the states.

Parking levy

MRS CROSS: My question is to the Treasurer in his capacity as the minister responsible for the car-parking levy. The government in the ACT requires all buildings to be constructed with a certain number of car-parking places. I am under the impression that, if there are insufficient places, the owners will be penalised something in the order of $12,000. Now these building owners are being charged a parking levy for complying with this part of the building code.

Constituents have informed me that the details of this levy have not yet been completed and the consultation process is fairly haphazard. I gather that the actual amounts of the levy and how these amounts will be applied are very vague at the moment. Indeed, these very same stakeholders are being asked what they think should be applied. Minister, have any studies been done in the ACT on equitable arrangements for the implementation of the proposed parking levy? If so, will you please table them?

MR QUINLAN: Members will be aware that this parking levy applies in other major cities in Australia. I would immediately defend the building code requirements as being nothing less than commonsense, and I would have thought everyone else in this place would also accept that.

It strikes me as odd that you would call the consultations "haphazard" and "vague". That means that they are—

Mrs Cross: The constituents are calling them that.

MR QUINLAN: Excuse me!

MR SPEAKER: Order, Mrs Cross!

MR QUINLAN: It strikes me as odd that you would make it a core part of your question. If the consultations are haphazard and vague, that means that final determinations have not been made and people are being listened to. If they were structured and definite as opposed to vague, there would be no point, would there?

We are consulting with people who will be affected by this levy so we can apply it fairly and equitably and so that businesses in the ACT are no worse off than businesses in other major cities in Australia and so that they contribute to the benefit of the community in a similar manner to other businesses across Australia.

MRS CROSS: I have a supplementary question. Minister, why is this charge set as a non-tax-deductible levy, as opposed to a deductible charge of some sort? Why have you become so upset about a question that has come straight from constituents?

MR QUINLAN: To answer the second question first, the question contained inference. If you want information in this place, I think you can ask for information in this place. You do not have to add the colour. In terms of how the levy will be applied, it will be applied just as it is applied across Australia in other sophisticated capital cities.

Bushfires—volunteer firefighters

MR PRATT: Mr Speaker, my question is to the Minister for Police and Emergency Services, Mr Wood. On 8 October, members of the southern ACT volunteer bushfire brigades expressed their lack of confidence in you and your department. In a vain attempt to defuse their anger, the ABC news of 9 October 2003 quotes you as saying:

> I'm speaking from experience here. I would think the system allows the leader on the spot to make instant and key decisions.

Mrs Dunne: He said what? Can you say that again.

MR PRATT: "Instant and key decisions." This statement received a general laugh of derision. Why do you expect the public to have confidence in your preparation for the current bushfire season when the volunteer firefighters do not have any confidence in you?

MR WOOD: Mr Speaker, Mr Pratt is putting a lean, a slant, inferences—

Mr Quinlan: Oh, no!

MR WOOD: I was surprised—on a meeting that I attended with senior officers. Unquestionably that was a meeting where there were strong statements made about a whole range of activities around firefighting.

In regard to the particular point you make, my statement was made in respect of a decision by an officer at a key time not to fight a fire at night. I think it is fairly self-evident and I cannot understand your concern that an officer on the spot who determines that there is an immediate problem does have the ability to make judgments about that. I do not have a difficulty with that and I do not know why you would.

MR PRATT: Mr Speaker, I ask a supplementary question. I do not think that is quite the case. Why are you so out of touch that you do not even know that experienced firefighters on the ground are not allowed discretion to make critical decisions?

Mrs Dunne: They have no discretion. You have to ring up and get permission.

MR WOOD: It did not happen on that occasion, did it?

Mr Corbell: Who set up the system?

MR WOOD: A question has just been asked by way of interjection, "Who set up this system?" But these are also issues—and I come back to what the Chief Minister said earlier—for determination at the coroner's inquiry and if there are concerns from that they will be examined in that quarter.

Lecturers—screening

MS DUNDAS: My question is to the Minister for Education, Youth and Family

Services. Minister, I note the number of policies in the education department regarding volunteers working in government schools, and that applicants for teaching positions in ACT government schools also go through a police character check. However, are university lecturers who are supervising trainee teachers in ACT schools screened for relevant criminal convictions before being allowed into ACT government schools?

MS GALLAGHER: I will have to take the question on notice, Mr Speaker.

MS DUNDAS: This supplementary question may also have to be taken on notice: does the department of education have policies in place to deal with instances where a person who has contact with schoolchildren has been charged with a sexual offence, but has not yet been convicted?

MS GALLAGHER: I will take that on notice, too.

Tertiary education—allocation of places

MRS BURKE: My question is to the minister for education, Ms Gallagher. My question concerns the federal government's "Our universities: backing Australia's future" program, and specifically the allocation of 25,000 additional fully funded university places as well as an additional 4,250 new growth places from 2008.

It sought submissions from the states and territories on how these places should be allocated so the federal minister could make a decision by the end of the year. The minister sought submissions from the states and territories at the relevant ministerial council meeting in July. According to the federal department of education, training and youth affairs website, the ACT government has not, as yet, made a submission.

Minister, why have you failed to make a submission despite the fact that it should have been a high priority after the ministerial council meeting held several months ago?

MS GALLAGHER: My understanding of the discussions, which are ongoing, is that they are happening at departmental level. A further MCEETYA meeting is also scheduled for December, specifically to discuss the higher education reform package. That is where we will be having those discussions.

MRS BURKE: How do you explain your comprehensive failure to put forward a case for additional places for the ACT, and in a timely and expedient manner, when the tertiary education sector is so important for the ACT's future, both educationally and economically?

MS GALLAGHER: Yes, I will agree with the second part of the question. There has been no failure on this government's part at all in this area. We have been having discussions with the federal minister—

Mrs Burke: But we are one of only two states and territories that have not put in a submission. Why haven't we?

Mr Quinlan: Shut up!

MS GALLAGHER: We are having further discussions, Mrs Burke. It is still occurring.

Mrs Dunne: Point of order, Mr Speaker: is it permissible for the Treasurer to yell out "shut up" across the chamber?

Mr Quinlan: As permissible as it is for you to argue during question time.

MR SPEAKER: Order! Was that said?

Mr Quinlan: Yes, it was.

MR SPEAKER: Would you withdraw it?

Mr Quinlan: I would like you to reconsider that direction, Mr Speaker. We have people over here who are not listening to answers and are arguing all the time, so I think the best thing they could do is shut up.

MR SPEAKER: I am the one who says "shut up".

Mr Quinlan: Okay. Would you do it more frequently?

MR SPEAKER: Would you please withdraw it?

Mr Quinlan: I withdraw it.

Car parking

MS TUCKER: My question is to Mr Corbell. It is in regard to the introduction of paid parking at Belconnen and Tuggeranong shopping centres. I am interested to know whether you have accompanied the introduction of paid parking in these areas with an investigation of the public transport needs of people who are currently using those areas and are parking at the moment so that you can find out what needs to happen to assist them if they, in fact, find the introduction of paid parking makes it impossible for them to drive to work.

MR CORBELL: Yes, ACTION, the Department of Urban Services and ACTPLA are working on this issue to ensure that, consistent with the introduction of paid parking at the town centres, there is appropriate information and advice available to people, who are currently using their private motor vehicle, to consider whether public transport or, indeed, other transport modes may meet their needs. ACTION is pursuing a strategy, in conjunction with Urban Services, to ensure advice on bus timetabling and availability is readily available.

At the same time, Mr Speaker, the government will also be introducing its TravelSmart initiative which was proposed in the most recent budget and will focus it, in the first instance, in some employment locations where paid parking is being introduced. TravelSmart is a program designed to allow people to make informed choices about their transport options and, obviously, encourage them to avoid or reduce the number of

occasions on which they rely on a private vehicle. They are two ways, Mr Speaker, in which the government is seeking to coordinate those activities.

MS TUCKER: My supplementary question is: is that information that you gather during this consultation actually going to inform changes to the public transport services, if that is necessary?

MR CORBELL: Yes, Mr Speaker, the government is open to, and ACTION is certainly looking closely at, the need to either expand or alter services to meet demand.

Bushfires—hazard reduction

MR CORNWELL: Mr Speaker, my question, through you, is to the Minister for Urban Services, Mr Wood. I assure you it has nothing to do with the coroner's inquiry, Mr Wood—at least yet. Constituents who live near Levold Place in Spence have contacted the opposition about a dangerous build-up of fuel in urban, open spaces.

Mr Stanhope: What, blue gum?

MR CORNWELL: I don't know. Perhaps you should ask the department, because residents have contacted the department to get rid of this dangerous fuel several times without any action. Indeed, the department's hazard reduction program, as listed on the Department of Urban Services' website, indicates that there is no plan to address this area during the coming bushfire season.

Minister, why have you failed to clear the obvious fire hazard caused by the long grass and the build-up of other fuels around Levold Place in Spence or added it to the hazard reduction in Belconnen, despite repeated requests?

MR WOOD: What a fiery speech! We certainly pay attention to all the claims that come in. Can I say this: Urban Services officers are full strap in hazard reduction all around Canberra; they are fully, absolutely, totally employed on a very comprehensive program. That makes it a little more difficult for them to respond in each and every area where some residents may have a concern. It may be a legitimate concern; I am not arguing about that.

The areas decided for the immediate program, a very large program, are those that stand out as the areas of most concern. This is the bush capital. It is just not possible to cut every blade of grass in every area. It is just not possible to do that. I am sure you would agree with that.

I have to tell you that the hazard reduction program—the slashing, the burning and the physical removal—is greater at this point of time than it has ever been. There is no doubt about that. It is full on out there.

In normal times, if residents ring in that they are concerned about grass somewhere else, it is usually possible for Urban Services to have a look and perhaps do something about it. But they are fully employed on a comprehensive management scheme right now. We will continue with that. Nevertheless, I will ask them again to have a look at it. But they have a very prioritised list, a very extensive list, that is keeping them fully occupied.

I am sure you can go out there and find other areas where there may be concern amongst residents. If you're not happy with the bush capital you can take the Wilson Tuckey approach and put concrete over it all.

MR CORNWELL: I have a supplementary question, Mr Speaker; apart from logging as well—like Oakey Hill. Could you perhaps put this matter on the Urban Services website or see that it is listed on the website at least to reassure the people who live in Levold Place, Spence, that they are at least being considered and don't feel they have been added to the same lack of preparedness that led to the January disaster?

MR WOOD: There are a couple of snide comments there. First of all, you are making contrary statements there. You made a snide comment about cutting trees down on Oakey Hill. You were critical of cutting trees down on Oakey Hill, on the one hand, and you are saying, "Get out there and do some more slashing." What do you want? Make up your mind.

Bushfires—hazard reduction

MRS DUNNE: My question is the minister for emergency services, Mr Wood. Minister, in briefing notes prepared for you last year for the launch of the 2002-04 bushfire fuel management plan were included suggested responses to questions about whether you had done enough hazard reduction burning. The notes said:

> The ACT Government is well prepared for the current fire season and the hazard reduction undertaken is more extensive and better targeted than ever.

That was in 2002, and we know what happened at the end of that bushfire season. On WIN news of 8 October you said:

> We're doing a lot of slashing—

as long as it is not in Spence—

> all the activity—just to learn the lesson from January and make sure we're just as ready as we can be.

Why should the public believe your spin that you are well prepared for the current bushfire season, with an extensive, well-targeted hazard reduction program, when you were telling them the same story they heard last year?

MR WOOD: I would want to go back and check those dates.

Mr Stanhope: I'd check everything, mate.

MR WOOD: Check everything. I read that bit in the paper about the briefing notes and, as I understand it, it was end of 2002 when I released the new bushfire management plan. It is a sound document and one that is being worked through—notwithstanding what Mr Cornwell says. I would hold to that.

We have learned from the Christmas bushfires of 2001. We paid attention to that. That review had been going on for quite some time. The beginning of that review might well have pre-dated the 2001 fires, as it was a requirement to do it in any event. I must have missed your point—or there was no point there at all. I made those statements at the time, and it is the case that we increased the effort in that year. I can tell you, and Mr Cornwell, that we have substantially increased the effort this year.

MRS DUNNE: I have a supplementary question. Do your current briefing notes on the current bushfire season give the same spin as they did last year?

MR WOOD: You are the professionals of spin!

Mr Stanhope: And at doing nothing and at making a mess of things.

MR WOOD: You can say that!

Members interjecting—

MR SPEAKER: Order, members!

MR WOOD: Mrs Dunne, you didn't hear my answer to Mr Cornwell. You should have listened to that.

Aged and disabled people

MS MacDONALD: My question is to the Minister for Health, Mr Corbell. Minister, can you inform the Assembly of recent initiatives to assist aged and disabled people to live independently in their community?

MR CORBELL: I thank Ms MacDonald for the question. I am very pleased to advise the Assembly that I have announced today that a range of community organisations across Canberra will share in an additional $1½ million for home and community care programs to provide enhanced services to aged people, and in particular frail aged people, as well as younger people with a disability in our community. This is joint funding from the ACT government of three-quarters of a million dollars and an equivalent amount from the Commonwealth government to provide a range of care services for older Canberrans as well as younger people with disabilities and their carers, and is designed to support them in a residential setting.

Mr Speaker, the ACT government contributes over $8 million per annum to the $17 million home and community care budget in the ACT, and this additional $1½ million has been funded equally between the territory and the Commonwealth government. Eleven community organisations will share this additional $1½ million. It is worth noting that primarily the funding will go towards improved domestic assistance, home maintenance and modification, centre-based care, case management and coordination, client services and social support. Mr Speaker, this is a strong indication of this government's commitment to providing further assistance to older Canberrans.

The money has been spread broadly across the Canberra community and I am pleased to advise members that the $1½ million includes $123,000 to Belconnen and Gungahlin-based organisations, $318,000 to organisations based in inner-Canberra and $326,000 to organisations based in Tuggeranong and Weston Creek. In addition, all HACC-funded agencies will receive 2½ per cent cost supplementation.

This significant commitment by the government is designed to improve access to aged care. It is a strong example of the government getting on and making an investment in building our community.

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

Supplementary answers to questions without notice

Environmental flows

MR STANHOPE: On 25 September Mrs Dunne asked a question about current environmental flows in the ACT and surrounds for the Cotter and Molonglo rivers and about the long-term environmental impact of reduced environmental flows. I am happy to provide the following answer: the Cotter River system is currently on the drought decision of the Environment Protection Authority whereby the required environmental flow is equivalent to approximately 9.9 gigalitres per year. Lake Burley Griffin and Scrivener Dam environmental flow releases into the Molonglo River are under the regulatory control of the National Capital Authority.

Under territory regulations, environmental flows for rivers that are not within the water supply system, such as the Molonglo, have protection of both low flows and high or flushing flows. Limited extraction of low flows from the river is allowed and only 10 per cent of high flows are available for extraction. Consequently about 90 per cent of flow is maintained. The Cotter River has recognised environmental values, particularly downstream of the reservoirs. These values relate to the actual river habitats as well as the aquatic wildlife within the river. Reduced environmental flows can impact on the health of river systems, including aquatic ecology.

The impact of environmental flow reductions is dependent on the release strategy of the environmental flows. Environmental flows are continually monitored and adapted to ensure the health of the river. The monitoring project undertaken in the Cotter River indicates that variation of the reduced releases with programmed flushes has allowed for flushing of total sediments within the Cotter River and has restored the health of aquatic macro-invertebrates to equivalent levels to those in unregulated rivers. In this way, the reduction of the overall volume of environmental flows as a result of the drought has not impacted on the recognised environmental flows of the Cotter River.

Cooleman Ridge—grazing

MR STANHOPE: Yesterday Ms Tucker asked me the following question about Cooleman Ridge:

(1) In regard to the decision of Environment ACT to put cattle on Cooleman Ridge, my question is: can the Minister explain exactly why this decision

was taken and can he table the analysis that was used to inform the decision?

(2) Will you ask Environment ACT to delay construction of the fence tomorrow and, instead, consult with the park care group and other interested members of the community and, as well, allow the Assembly time to see the advice that you will be tabling?

The answer to the member's question is as follows: the decision to temporarily introduce cattle to parts of Cooleman Ridge was made because of the growth of introduced grasses in the area. Site inspections conducted on 15 October revealed wild oat and grass growth over one metre in height. The density of wild oats is higher this year than usual, presumably as a result of the fire knocking back competitive species. It is expected that the current moist conditions will result in grass up to six feet high, presenting a fuel load considerably higher than usual when these grasses dry off in November. Some residents expressed concern at the potential of this material to result in a bushfire hazard in the area this summer.

Officers of Environment ACT inspected the site and agreed that the fire fuel level would be unacceptably high if some removal was not undertaken. The area contains a proliferation of large rocks and some areas have a steep incline. Consequently, measures such as slashing are not feasible, and grazing is the preferred method of fuel reduction. The ridge will be fenced and subdivided into relatively small parcels. Those containing vegetation of higher conservation value will not be grazed. In other areas grazing will be in place only until the fuel loads have been sufficiently reduced.

It should be noted that grazing has been used on Cooleman Ridge in the past and that this method of fuel management is successfully used in other areas of Canberra such as Red Hill and the Gungahlin grassland reserves. Cattle grazing will not be undertaken in areas of high conservation value and the cattle will be removed when fuel levels have been reduced. Cattle may be reintroduced as needed on a seasonal basis. The proposed grazing will be closely monitored to achieve the fuel reduction and protect the conservation and recreational values of the ridge. As suggested, a monitoring program will be established with the Cooleman Ridge Park Care Group Inc.

I am advised that the grazing of this area will have an effect on bushfire behaviour and contribute positively to fire crew suppression efforts. As suggested by Dr Joe Walker, Environment ACT will also be undertaking work to reduce fuels adjacent to residences where slashing is possible.

In relation to consultation, on 16 October Environment ACT contacted the local park care group about the proposal. An email message was sent to group members and an on-site meeting was held on 21 October after a meeting on 19 October failed to eventuate. Group members and Parks and Conservation Services research and monitoring officers attended the meeting on 21 October.

After discussing the issues, and an inspection was carried out of the areas proposed for grazing and those to be excluded from grazing, the majority of members from the park care group agreed to the proposal. The main opposition came from two members, one of whom has subsequently requested that should the proposed grazing go ahead, there be

some control sites to allow a comparison to be made between ungrazed and grazed areas and to determine environmental and fire impacts.

As a consequence, I directed Environment ACT to cease all work at Cooleman Ridge until I sought further advice. On the basis of that advice, I propose to ask Environment ACT to proceed with grazing at Cooleman Ridge.

Policing

MR PRATT (3.16): I move:

> That the Assembly notes that:
>
> (1) while ACT Policing is one of this country's most effective police forces, well led and well trained, its performance is clearly beginning to decline;
>
> (2) there has been an increase in community complaints about lack of police response to emergency and assistance calls;
>
> (3) there has also been an increase in community complaints about delayed police response times to emergency and assistance calls;
>
> calls on the Government to:
>
> (4) enhance resource management procedures that will ease the decline in performance;
>
> (5) increase the number of 'beat police officers' in Canberra;
>
> (6) develop and implement a community policing plan that significantly increases physical police presence in Canberra suburbs; and
>
> (7) ensure that front line police are properly resourced and not diverted to administration duties.

We have an excellent community police force—one of the best in the country and one of the best in the Western world. That force, which was founded on sound principles, is unencumbered by the historical baggage that was carried by some other jurisdictional police forces. Generally speaking, our policemen and policewomen, who are well travelled, have witnessed the despairs and tragedies of other international communities. More experienced members and officers probably have a much broader sense of what is fair, reasonable and just and what is police best practice. Because of that strong, international experience, I believe that the values of tolerance and patience are well embedded in our force.

We cannot forget the fine performance of our police during the January 2003 fires and their aftermath. We will not forget the selfless behaviour of our police at Eucumbene Drive, for example, when confronted, almost unexpectedly, by the hell of that fire. With vehicle tyres on fire and little sensible information coming to them from the Emergency Services Bureau, they risked their lives to save others. I had the honour of meeting police officers at various levels and being briefed by them—in some detail and in a most open

fashion—on how operations are conducted. I observed police headquarters in action during counter-terrorist exercises and I was impressed with the level of dedication and professionalism. The police that I have encountered in the streets have been friendly and helpful.

Crime statistics show a number of successes, but they also show a gradual incline in the general level of criminality in the ACT. That trend is consistent with the national trend. We are not immune from the nationwide deterioration in community safety and general standards of behaviour. A significant drop in burglaries occurred over the past few years, which has been consistent with the successful deployment of Operation Halite—a typical police task force deployment. Crime-targeted, task force operations involving the concentration of police resources in response to serious crimes have been successful. The police should be congratulated on those successes. Informed members of the community and members of the police force say that, while that operational concept might suppress one sort of crime, other crimes have been on the increase. Clearly, task force policing must be balanced with and complemented by other policing strategies.

Today I draw to the attention of members the crime statistics to which I have just been referring. The Australian Bureau of Statistics report 4509.0 *Crime and Safety, Australia, 20 June 2003* focuses on crime statistics in the ACT. In 2002, 11,818 offences were reported or became known to ACT police during the December quarter. That number of reported offences in the December quarter represents a 16 per cent increase on the figures for the 2001 December quarter.

According to those statistics, the main offences that were reported were theft and related offences, property damage and pollution, burglary and break and enter. The largest increases were reflected in the number of reported acts that were intended to cause injury. The December quarter showed an increase of 67 offences, or a 10 per cent increase, from the previous quarter. Public order offences were up by 65 offences, or 26 per cent, and sexual assault and related offences were up by 51 offences, or 67 per cent.

We also welcome decreases in statistics for some areas of crime. The largest decreases that were recorded relate to theft and related offences—an 11 per cent decrease. Statistics for burglary and break and enter reveal a 12 per cent decrease, no doubt due to Operation Halite.

Overall, there was a 4 per cent increase in the total number of incidents in the ACT—an increase from 17,964 to 18,666. The number of incidents that required patrols also increased by 7 per cent in December 2002.

Personal crime victimisation rates showed a welcome decrease—from 7.7 per cent to 5.9 per cent over four years. However that figure is still too high. Statistics in the ACT for those rates are the second highest when compared to statistics throughout Australia.

Statistics for motor vehicle theft reflected the highest increase in vehicle theft in the country—up 40 per cent. Assault victimisation rates showed a welcome decrease—from 6.9 per cent down to 5.8 per cent, but those statistics are still the second highest in the country.

Those welcome statistics show some healthy decreases as a result of good policing in these areas of criminal activity. In the most serious categories of criminal activity, statistics for the ACT were high when compared with the national average. Clearly, the level of community concern about criminal activity is increasing. Community concern about crime, which was recently reported in the *Canberra Times*, is but one example of that increasing concern.

A poll that was conducted by the *Canberra Times* in September 2003 revealed the following statistics: 47 per cent of people believe that their shopping centres are unsafe after 9 pm and 80 per cent believe that our police are not visible enough. Those statistics are generally reflective of statistics across all jurisdictions. The trends are not necessarily any worse; they are about the same except in some areas of western Sydney.

The emails and letters that have been received by my office and by the offices of my colleagues demonstrate the fact that people are concerned about that substantial increase in crime statistics. That clearly reflects a nationwide trend. If we juxtapose those crime statistics with current staff levels in the ACT police force, including administrative and policy staff and citizens—not officers—we are left with a ratio of one to 405. The minister provided those statistics to me after I asked him a question on notice.

In addition to the statistics to which I have already referred, which show an erratic picture of criminal behaviour in the ACT over a four-year period, ranging broadly from one extreme activity to another, it has been established, through polls and community feedback, that the community is deeply concerned about those statistics.

Statistics show that society has become more sophisticated, clever and comfortable, but there has been a concurrent rise in the level of crime beyond that which was expected in such a fast-growing community. I refer today not only to increased crime statistics but to the wild increase in the intensity of those crimes, which is even more disturbing.

I include in that mindless vandalism, terrible destruction and an increase in violent crime. I am not for one moment suggesting that the government is responsible for that increase, as those trends are evident right across the country. There is a growing disrespect by some people who simply do not want to conform to society. I do not believe that the community is being unfair or misjudging the situation when it perceives that there has been a significant increase in crime.

Over the past 12 months members of the community have become increasingly frustrated with inadequate police responses to urgent and low-priority telephone reports of crime. I have written to the minister on a number of occasions to inform him of this problem. It is my job, as a member of parliament, to inform the minister and it is the minister's job to respond. I am dissatisfied with the routine answers that I receive, which do not shed any light on these inadequate response times. For the benefit of members I will refer to some examples of poor police response times.

Some months ago in Lyons at least four residents in one street discovered at 7.30 am that someone had broken into their cars. By any measure that significant crime in one suburb

deserved immediate police attention before the trail went cold. For 90 minutes those four residents repeatedly telephoned the police station, but they failed to get through until about 9 am.

I have received many petitions, personal complaints and letters about the inappropriate use of fireworks. One hundred of the cases that were reported to me involved people telephoning the police and requesting them to respond to incidents involving significant damage and/or threatening behaviour. It appears as though the police viewed those incidents as low-level criminal behaviour—incidents to which they simply did not respond. I am not necessarily blaming the police; I am saying that we need to rectify that problem. The community deserves better from its police force. We must work together to try to find solutions to these problems.

I bring to the attention of the house a couple of weaknesses in the ACT policing system. I refer, first, to the number of inexperienced police and to the imbalance in the station team mix. We are faced with a lack of duty of care. Proportionately, there are too many probationary constables and an insufficient number of sergeants and senior constables to lead and supervise them.

I am aware of a well-researched crisis paper that was prepared by a senior sergeant at one of the southern police stations and submitted to his superiors. He warned the organisation that station commanders and team leaders were vulnerable to charges relating to a lack of duty of care to staff. That concern relates mainly to police numbers and to the lack of experience at a police team level. That is what senior police officers are saying.

On 20 October, which was two days ago, Belconnen police station, which had a staff complement of 48, had 27 probationary constables and seven junior constables with one to two years experience, five team leaders and eight experienced constables. I inform members that the staff complement on that day was 20 per cent less than the normal station complement. Taking into account police best practice, that experience mix is significantly out of whack. It seems as though 70 per cent of police in the ACT are junior or probationary constables. It has been identified that police are operating under extreme pressure, which is mainly due to a decreasing level of experience, overcommitment at the force level and individually, and a lack of resourcing.

This week the Liberal opposition announced a new community safety policy with community policing as its cornerstone. It is the intention of the Liberal Party, when in government, to rectify the weaknesses that are creeping into ACT policing. We intend to employ more frontline police with smarter strategies. The former Liberal government introduced community policing. We intend to enhance and to build on that policy. The present Labor government has neglected community policing which has led to a deterioration in the number of frontline police.

The key to combating and deterring crime is prevention and proactive policing. A robust community policing program will ensure that those aims are achieved. Strong interaction with the community, in particular Canberra's youth, who are at risk, would form part and parcel of this preventive strategy. We need well-trained, clever, creative and sympathetic young police to act in that role.

What is community policing? In 1829, the father of modern policing, Mr Robert Peel, laid out the nine principles of policing. The seventh principle was:

> To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police, the police being the only members of the public that are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence.

That philosophy goes to the heart of the meaning of community policing. We seek to reorganise the ACT police to better focus its energies and resources to the community frontline. To that end our program will include, first, a greenfields approach to determining mission and required force structure, for example, analysing district by district and area by area local community needs and structuring police stations to meet those needs. Second, the key to crime prevention is to build block units of deployable, experienced and balanced teams—the basis for all operations. *[Extension of time granted.]* Third, it is in the interests of the morale, effectiveness and capability of the force to keep those basic teams together.

Fourth, we need effective community policing, or beat police. We need a stronger interface between police and communities fostering two-way communication. Fifth, bicycle and horse patrols require increased mobility and enhanced access to communities in our broad suburban landscape. Police patrols must be able to access those areas that are inaccessible to patrol cars.

Another fundamental tenet of our program is a police presence at our schools. I am not talking about basing police in schools as I do not believe that that is necessarily a good idea; I am talking about young, well-trained and sympathetic police officers regularly visiting schools in order to build trust and respect between kids and police. Finally, we require criminal youth and youth at risk diversionary programs. We need a better integration of our youth services and schools so that police are able to interact with children at risk of committing crimes and ensure that they are on the right track.

Crime is on the increase. I believe that a stronger police presence is needed in the community—a sentiment that is echoed by experienced police officers. Some members might wish to haggle over statistics and poll numbers, or perhaps even downplay the level of criminality, but I have had plenty of feedback from the community about what is happening in Canberra. That is the gut feeling of the majority of Canberrans to whom I have spoken. Residents of and visitors to Canberra deserve to be safe and Canberra should be a safe city. That can be achieved only if ACT Policing is appropriately funded and structured and is focused on frontline policing.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (3.34): Mr Speaker, I think first I should move the amendment to Mr Pratt's motion that has been circulated in my name.

Mrs Dunne: On a point of order, please, Mr Speaker, on the amendment: I would seek your guidance as to whether this amendment is in order. I refer to *House of*

Representatives Practice at page 301, where it talks about a motion which is a direct negative. Mr Pratt's motion has paragraphs 4, 5, 6 and 7 which call for particular actions. By removing all words after "That" and substituting Mr Wood's words, what that substantially does is in direct opposition to what is proposed in the amendment. I would submit that it is out of order on that basis.

There are many opportunities for members in this place, if they wish, to vote down this motion but, by moving this amendment, as I said, what Mr Wood is doing is essentially attempting to put a negative point of view, especially on those calls for action in paragraphs 4, 5, 6 and 7 of the original motion. On that basis, I think that it is out of order and I seek your guidance.

MR WOOD: Mr Speaker, to speak to that point of order: it is not a direct negative. In fact, I picked up some of the words from Mr Pratt's motion—and certainly this is so in my first line there—so it's not a direct negative. If I had half an hour to do a bit of minor research I think I could successfully point out numerous occasions when motions much less contradictory than this have been allowed, debated and decided one way or the other.

MR SPEAKER: I refer members to *House of Representatives Practice* in response to the point of order raised by Mrs Dunne. At page 302, under "*Alternative propositions*", it states:

> Amendments may be moved, however, which evade an expression of opinion on the main question by entirely altering its meaning and object. This is effected by moving the omission of all or most of the words of the question after the word 'That' and substituting an alternative proposition which must, however, be relevant to the subject of the question.

I think the amendment that Mr Wood has put is consistent with that approach in *House of Representatives Practice*, and I will therefore allow it.

MR WOOD: Mr Speaker, I will speak to that amendment, which I now move:

> Omit all words after "Assembly"; substitute:
>
> "(1) acknowledges that ACT Policing is one of this country's most effective police forces, well led and well trained;
>
> (2) recognises the need to maintain that high degree of effectiveness with adequate staffing and training;
>
> (3) recognises the importance and effectiveness of intelligence led policing; and
>
> (4) asks the Commonwealth to ensure that its deployment of AFP resources to overseas activity does not diminish ACT Policing's capacity to maintain its role in the ACT.".

Mr Pratt is in a difficult position. He wants the best of two worlds. He has been very careful to say how good ACT Policing is. He has been quite laudatory in his comments

about ACT police collectively and individually—and I don't argue with that; that is right—but he wants to go on and drum up a problem. I think that his first five minutes didn't fit with his next 15 or whatever, because then he went on and outlined a range of concerns.

Mr Pratt quoted a variety of figures. I guess, coming from where they do, they are probably accurate for that citation—and I acknowledge that figures vary over a period. Those of us that have followed this know that crime is up or down, confidence is up or down, and it does change constantly over the period. Various aspects of crime will go down, as Mr Pratt pointed out, and others will go up. Then that will be reversed again later on. Some of the figures where there were significant upward growths could well reflect the smaller number of those incidents where statistically you do get greater percentage variation. I don't know; I just speculate that might be the case. So it is a difficult circumstance.

We agree that we have got a good police force. I think we all agree, as the police would, that we always want to do better; we always want to be out there, with the community having full confidence in what is happening. There are more police employed now than when you were in office. For whatever that is worth, there are more police now. There are different processes in place.

The question you raise about community policing is one that probably requires a very large and considered debate and a longer period of discussion. Mr Pratt has indicated his wish for community policing. That is fine. I think Mr Rugendyke, an ex-member of this Assembly, was part of that pilot which never really developed.

Mrs Dunne: That was country town policing, something completely different.

MR WOOD: Yes; same thing, different name. But that never really developed. Community policing is fine—to have police represented visibly in all streets in all suburbs—but, I tell you, it ain't possible. No, it requires a very considerable extra resource.

People might be comfortable seeing police out and about widely across Canberra, on their bikes in the green areas, with their dogs and their horses. This might be an animal-led police force. Actually, I think it is better to put the police into motor vehicles. You are talking about rapid response. We need police in motor vehicles.

I don't know if you've got back an answer to a question I signed off to you the other day about response times. I have a concern about response times. You have mentioned that here. If we want response times I don't think galloping around on a horse is great for that.

Incidentally, I have asked ACT Policing to review the horse team, whatever it's called. Originally Mr Humphries, who was very keen about it, wanted six horses, and we finished up with two. I think they are mostly out in the paddock somewhere. But we have asked for a review of that, and that is going around the circuit.

In regard to community policing—and I think Mr Peel's 1829 statements were nice and very good—in fact, in 2003, you give me a policeman in a car for rapid response any

day. ACT policing, if you have read the paper and watched their media statements recently, have been—call it community policing, if you like—more intense in their visible presence in selected areas of Canberra. And I think that is a much more sensible approach. They have been in the city; they have been in areas where there is some element of misbehaviour late at night. That is where they have been, and I think that is where it is justified. I don't think I need to see a policeman in my street. Someone's place was broken into in my street five years ago, and that's it. That's the last I know of that.

I think intelligence-led policing, where they target people and target issues, is the much better way to go than to be wandering around, wondering, just looking and waiting for something to happen in front of them. Community confidence is fine. I think that community confidence will be so much higher when we can show crimes are being cleared up more successfully—and they are—and that response times are sufficient to satisfy this community.

Mr Speaker, I have got statistics here that I could reel out, but you can get statistics and they will get some counter statistics. I know when we were in opposition the government of the day claimed great success in certain things. Mr Quinlan was very proud of his effort when he was police minister. I think generally crime was lowest and satisfaction was highest when Mr Quinlan was police minister—in that era. I get reports now that in certain areas crime is on the increase again; housebreaking is down. But that is the constant battle that the police have with those who would engage in crime.

I do come back to that point: the effectiveness of beat patrols in suburban areas is simply limited by the large number of police that you would need. The notion of having a peeler—a bobby, if you like—on every street corner is no doubt attractive but I do not believe, in our highly mobile society today, it is a productive use of resources.

Let me indicate one area that I am in constant communication with the police about, and that's the issue of phone calls. I get complaints about unanswered phones in police stations because they are all pretty busy. Just recently the police instituted a new system at Belconnen police station where, if a call is unanswered, it switches through to another call centre so that phone will be answered. I do appreciate that, if a person with some concern rings the police—there was an issue about something at Lyons that Mr Pratt mentioned—and they can't get an answer at the other end, then that is a source of concern.

I say again—and you might tell me because this is the teacher testing you; I have had to say this many times to remember it—the general number for police attendance is 131444. People should remember that and not try to phone, and think they do better by phoning, the police station. The number is 131444. Of course, for an emergency, 000 is the call to make. The program I mentioned is, I believe, in place now at Belconnen and should commence at Woden at the end of the month. Of course Crime Stoppers is always a good number to ring.

Mr Pratt made some comments about the qualifications of police. I would want to go back and check those figures. Yes, he indicated a large number of constables or probationary constables. There have been changes over the period and in former administrations to the designation given to police; so I just want to have a look and make

sure that the designation Mr Pratt gave is correct. I think he is probably right, but I want to make sure that the designation he gave doesn't reflect some change in the way police are described. Recently the police have re-instituted the senior constable band, but that is very recently. So I just want to look at that.

What else did Mr Pratt raise?

Mr Pratt: Not much.

MR WOOD: Not a lot, no. I do concede that the way this community is policed is an issue of great concern to the ACT community; it is of great interest to them. I have heard everybody in this chamber at some stage say that this is the safest city in the world—safest city of this size, safest capital city. And yet here, as elsewhere, there is a perception that it is not safe. It comes up in polls. Whether you give great credibility to some of these polls, it does come up and there is a perception that people are concerned. But it is certainly a very safe city in which to live.

I want to talk further on the point that Mr Pratt raised about the qualifications or the grades of the police here. There is an issue that I have been engaged in in discussions with the AFP and that is the impact on ACT Policing of the overseas deployment of AFP personnel, national and ACT. We in the ACT have traditionally responded when the AFP has been involved in overseas deployments, and I am comfortable that our present commitments to Cyprus, East Timor and the Solomons have not acted adversely on policing the ACT. Certainly the advice from the chief police officer is to that effect and I confidently accept that advice.

I am told that, to minimise the impact on service delivery in the ACT, the contingent sent to the Solomons was not top heavy. For once there was no mandatory period of policing experience set as a pre-requisite, so many fewer experienced police had the opportunity to go and there are still experienced officers available here.

However, I am concerned that possible future overseas deployments, perhaps to Papua New Guinea, might affect policing in the ACT, particularly when we consider that deployments are not one-off events and personnel need to be rotated. I was concerned when I heard Mr Downer, or the Prime Minister or someone, saying we are going to go to PNG as well. For that reason, I made contact some little time ago and I will be meeting with the Commonwealth Minister for Justice and Customs, Senator Ellison, next week, next Tuesday.

I will be raising my concerns that ACT Policing would be adversely affected by any further commitments beyond the numbers currently deployed. I will also be suggesting some possible solutions of our own, such as extra police recruited by the AFP to be on standby, but to undertake policing in the ACT or elsewhere when not deployed.

That is an issue of concern but, on all the advice I get, I am confident with the standard, the qualities, the levels of police in the ACT at this time, and that they are, with all their colleagues, working very well to make this a safe community but with the intention of making it an even safer community and a community which both respects the police force and acknowledges the work that they do.

MS DUNDAS (3.50): I will address my comments to both Mr Pratt's motion and the amendment as moved by Mr Wood. It is not clear to me as yet what information Mr Pratt has to say that the performance of the ACT police force is in decline.

Because crime affects a minority of people in one year and has some level of randomness in whom it affects, subjective perceptions at the extent of the crime problem can have little relation to actual objective statistics. If you or a family member, neighbour or friend had been recently affected by crime, you are likely to believe that crime is getting worse overall. Certainly I have had representations from residents who have been the victim of vandalism and burglary, who believe that a more visible police presence should reduce crime in their area.

However, looking at the ACT criminal justice statistics profile reports that have come out, although vandalism rose by around 15 per cent over the last year, burglary rates fell by 25 per cent. This is, I believe, hardly evidence of a rising crime wave. Overall the total number of reported offences did rise slightly—and this is to be monitored—but it is part of the statistical norm.

However, if crime is in fact rising in particular parts of Canberra, which is detailed in the statistical profile, I suspect that it is due to reduced spending on crime prevention and our limited success in reducing the incidence of drug addictions. I have repeatedly called for an increase in the spending on crime prevention, and I still believe the balance between prevention and prosecution is too heavily skewed towards dealing with the symptoms rather than the causes of crime.

Unfortunately, increased policing has no impact on the main causes of crime, and property-related crime in particular, which are school retention rates and drug dependence. If we are going to be throwing more money at the problem, we should perhaps be looking at those issues—a safe injecting room, dealing with drug-related issues as a health issue as opposed to just wanting to arrest people and lock them away.

I will agree that a police presence can make a difference to the rate of violent incidents in public places. We all know that assaults in public places tend to be confined to areas near licensed premises; so all that is needed is a more targeted police presence, not necessarily a police person on every corner.

I have seen recent reports that an increased police presence in Civic at night has reduced the number of alcohol-related assaults, which is very good news and something that I think we need to maintain. People have reported that they feel unsafe at night in our town centres. Having a police presence at night in our town centres should help alleviate that, but that doesn't mean we need police cars driving through every street in the ACT 24 hours a day.

I think that clause 6 of Mr Pratt's motion displays an ignorance of the policing process, and I would like to know whether or not Mr Pratt has read the August 2001 Australian Institute of Criminology report *Policing urban burglary*. In this report Jerry Ratcliffe did a case study of Operation Anchorage, which was an AFP campaign to reduce burglary rates in the ACT. As many people would be aware, 10 per cent of the ACT police force

was dedicated to Operation Anchorage, and early on it was very successful in identifying and apprehending some of the most active burglars in the ACT.

However, a few weeks into Operation Anchorage, the report by the Institute of Criminology notes, it was necessary to suspend the operation of some officers who had already worked excessive overtime associated with arrests so that they had time to complete inquiries, investigation and the paperwork to deal with the detainees. The administrative work that Mr Pratt's motion says police should be doing less of was clearly necessary. It is not possible to detain indefinitely without trial alleged offenders that have been arrested. So there is no avoiding the paperwork required to secure a conviction.

We can't just arrest people and put them in remand without doing the follow-up work of making sure that the evidence is gathered, that the administrative work is done, so that when they come to court the police case is there and ready and that, if a person is convicted and goes to jail, that actually happens. Someone has to do this administrative work, and I doubt it would be successful to outsource the administrative work because it is so intimately related to the on-the-ground policing work. The police who make the arrests are best placed to do the administrative reports that lead to the court processes.

I fear that Mr Pratt's motion is actually calling for longer periods for people to stay on remand without actually going through the court. That, I think, is something that we actually need to be working on to reduce. People spend a lot of time in remand, from the time they are charged to the time that they actually go through to court and conviction or non-conviction, as the case may be. That has led to a number of problems in our remand centres. I think clearly it is something that needs to be addressed, and moving police away from administrative duties will actually make that situation worse.

To return to the question of the effectiveness of increased policing: the same report by the Australian Institute of Criminology showed interesting figures on a longer-term effect of those intense policing campaigns, such as Operation Anchorage, Operation Chronicle and Operation Dilute. Although the initial impact on the incidence of the targeted offence is significant, as soon as the pressure is lifted from that particular offence, crime rates return to prior levels within one to two months. This is because pursuit of arrest and convictions does not address the cause of the crime. Only ongoing prevention and diversionary programs will do that.

Do we have enough police? The implication of the motion before us today is that Mr Pratt thinks that we do not, and I note that the number of police per thousand head of population has not changed significantly over the last number of years. I also note that the per capita spending on policing in the ACT is very close to the national average, which suggests that we may have a higher level of resources since it is cheaper to police a smaller area than a larger area.

I have had complaints from constituents that they have had problems trying to contact local police stations and have not had their call answered, and I agree that this is of great concern. When you call the police service, as when you call a fire service or an ambulance service, you do expect to have your call answered and you do expect a response. That is something that we have all been brought up with.

Although the telephone book directs people to call the 13 number if they need police attendance, a diversion system should have been in place long before now to ensure that all calls are answered. I have heard that the minister for police has responded by getting a call diversion system installed to redirect unanswered calls, which will hopefully curb the problem that we have had over the last number of months.

I am unwilling to support the motion in its current form, as I am not satisfied that a decline in police performance has been proven. I think there are also some concerns about the basis on which this motion is founded, and I am waiting for the information to show that there has been an increase in community complaints about the lack of police response to emergency assistance calls. Where is the information that shows this? I think that needs to be put forward.

I am not confident that there is a practical way of increasing police patrols but reducing administrative work, unless a policy decision is made to warn rather than charge detected offenders. This would appear to defeat the purpose of the increased police presence, which is presumably to deter commission of offences. I think if we are going to spend more money on stopping crime we need to be putting it into diversionary programs; we need to be looking at the root causes of crime as opposed to just continuing to lock people away.

The amendment put forward by the minister is one of those congratulatory amendments—and I am not necessarily swayed that it will solve the problems that I have raised either—but it does make this motion a little bit more palatable. I think it is important that we call on the Commonwealth to consider ACT needs before dispatching police on overseas missions.

I note that the latest deployment of police to the Solomon Islands has not reduced our ACT police force below the levels promised in the budget and that a mix of experienced and new police has been sent over, so average levels of experience have not been reduced either. I think it is important that we ask the federal minister responsible for the AFP to remember his commitment to the territory and our needs for a police force when we are looking at our international obligations.

MR HARGREAVES (4.00): Mr Speaker, I speak both to the amendment and to the substantive motion, and I rise in this debate to give it perspective as a member for Brindabella. It is a shame that my colleague, the member for Brindabella, Mr Pratt, hasn't checked the facts about community policing in his own electorate. I acknowledge the contribution by the people of Brindabella in the peace-keeping force in the Solomons. But to suggest that the performance of our police is clearly beginning to decline and that there has been an increase in community complaints and response times, in my view, is clearly aimed at misrepresenting the effectiveness of our police, particularly in Brindabella.

Mr Speaker, the figures I quote come from a report given by the police to a Tuggeranong Community Council meeting on 4 September this year. If Mr Pratt was at that meeting, why has he not acknowledged the good work by our police? If he was not there as a member for Brindabella, which includes Tuggeranong, why did he not send his apologies to that meeting?

In the month of August 2003 there were 84 burglaries in Tuggeranong. In August 2002, the year before, there were 102 burglaries. There has been a drop of 25 per cent in a year. That is not what I call an increase. It is hardly an increase, Mr Speaker. Also the figure of 84 was in fact 17 per cent of the total figure across Canberra, yet Tuggeranong has 30 per cent of the ACT's population. Surely this is a reason to congratulate the police, not to denigrate them. Also, in August 2003 there were 16 motor vehicles stolen in Tuggeranong. This was 8 per cent of the total across the ACT. Again, congratulations to the police.

In terms of community engagement, Mr Speaker: police patrols, security and special response teams at licensed shopping centres warned under-age drinkers of the possible consequences of their actions—the very point Ms Dundas was making. You warn the young people of the consequences of their actions and they may not go through Quamby and they may not end up in the adult judicial system. Indeed, Mr Speaker, the presence of police at the meeting, and at all Tuggeranong Community Council meetings, shows the commitment of the police to community engagement. Any suggestion to the contrary is scurrilous.

Let me give a case study in response times by the police. Mr Pratt talks about the decrease in response times, as I understand it. Yes, he says there has been an increase in community complaints about the lack of police response to emergency and assistance calls. I have a constituent, Mr Speaker, who has been the target of miscreants in Gordon. On an occasion, only I think early last week, he rang 000, and 12 minutes later a police car arrived. Also, Mr Speaker, the police drove by his home at intermittent intervals, roughly hourly, that night.

He is full of praise for the Tuggeranong station. I agree with this constituent and have noticed an increased police presence in the suburbs. Indeed, I have nothing but praise for our police. In every case that I have approached police on behalf of constituents I have had a very positive response and they have always responded quickly.

Mr Speaker, this is just Mr Pratt trying to be tough on crime. It is just grandstanding. Interestingly, he hasn't told us how he will pay for the additional police or the additional animal squads. His suggestion on more police dogs in the suburbs is just irresponsible.

I have a mind picture, Mr Speaker, of him having Chris Corrigan of Patrick's fame before him and them directing heavily armed police, accompanied by attack dogs, to patrol the lanes of Woollies at Erindale. We shall all feel safe buying our baked beans in Woollies, knowing that those attack dogs and balaclava bedecked police are patrolling those lanes.

Were they needed at Kambah Village the last time you were there, Mr Pratt? Did we need police and dogs at Kambah Village the last time you were there? I don't think so. The most dangerous thing there that day was the prospect of rain on your billboard—the prospect of you getting wet. There is no need to have police with dogs in our shopping centres. As a response to a crime, certainly they could be used, but not dog patrols as a regular thing. Mr Pratt is suffering from overreaction to his perceived or misinterpreted need for media sunlight.

I also have a mind picture of him directing heavily armed police with attack rabbits to patrol our primary schools. That will do nothing but scare the kids. The Liberals' policy smacks of Monty Python's *Holy Grail* movie. Here we go, the attack rabbits—police trained attack rabbits! Nothing worse. That will deter the little miscreants, won't it?

Mr Pratt is whipping up fear in the community. He is saying we have a declining effectiveness on the part of the police. He sung the praises on the one hand but denigrated them in another breath. A read of this motion shows it is nothing short of a denigration.

Our police in Brindabella have an enviable record, are highly trained and effective, dedicated and highly motivated. They need congratulations and encouragement, not public criticism and certainly not hypocritical statements. On the one hand, you say they are wonderful and, on the other hand, you say they are not.

When Mr Pratt selectively quotes ABS figures he really should acknowledge the size of the ACT population, the relatively small numbers of offence increases and the nonsense of comparisons with Sydney and Melbourne. Mr Speaker, the saying goes that perception is reality. If the perception of hysteria is given too much expression it will reflect in the polls and hysteria will become reality, and that is what Mr Pratt is about—whipping up hysteria. It doesn't work for me, I'm afraid, Mr Speaker.

When Mr Pratt selectively quotes his figures, he should actually quote a few more. I think he was sprung by Ms Dundas, totally sprung. The shadow minister for police was sprung. Mr Speaker, he should hang his head in shame. I want to support our police, so I won't support a motion which denigrates them. But I will support the amendment put forward by Mr Wood. I thank Ms Dundas very much for her comments because she's spot on.

MS TUCKER (4.08): The first comment I would make is that an increase in criminal activity is not necessarily related to police numbers. The intelligence-based policing operations have been effective in the past, and that was really about how the work was organised more than increased resources.

As other members have said, crime reduction and prevention is not about police per se—not solely about that definitely. There are many research papers from the Australian Institute of Criminology and from the Crime Prevention Committee of the New South Wales Parliament, for example, which have pointed this out over the years. Intelligence-led policing does have an effect because there is a proportion of crime which is committed by repeat offenders.

Mr Pratt's polls and constituency feedback is of concern. When my office asked Mr Pratt about the basis of evidence for his motion he referred to the recent *Canberra Times* poll and to anecdotal feedback directed to him. The poll by the *Canberra Times* was conducted by an organisation called the Australian School of Governance, and their results were based on 200 randomly selected contacts. The response rate was 200 out of 1,000 calls. But in any case, 200 is hardly a representative sample. It is an interesting indication of some issues of concern with some members of the community, but it's not nearly a big enough sample for the results to be considered good evidence.

I, of course, share residents' concerns about crime, but crime indicates problems much more complex than numbers of police. Mr Pratt made some arguments about the staffing levels and the ratio of experienced to inexperienced officers on duty at particular times. That does sound as if it is an issue of concern.

His motion refers to community policing. Community policing, in general terms, is about police officers being a more positive part of the community and people knowing their local officer. Community policing dwindled under the previous Liberal government. A kind of pilot operated for a time in Ainslie and Kaleen. The idea of the local police officer, as in traditional ideas of the London bobby, is appealing in many ways. People often say, "When I was young in the country, if we did something wrong, the local officer would give us a word and take me home to mum." But it's important to ask what does it mean in practice in a city like Canberra?

The Justice and Community Safety Committee of the previous Assembly began an inquiry into the adequacy of arrangements for community policing in the ACT but was not able to complete that inquiry before the end of the Assembly. There were 10 submissions, but I haven't had time to go through all of them for this debate, although I have had a look at ACTCOSS's submission. They are quite supportive of community policing and make some important points, I believe, on that subject. They are saying that putting greater numbers of police on the streets would directly meet the needs of some sectors of the community.

Research undertaken by the ACT Council on the Ageing, for example, has found that many older people in Canberra feel there are not enough police on the streets. Increasing the number of police in neighbourhoods as part of an early intervention and relationship building strategy could meet the community policing need of older people.

They also point out greater numbers of police on the streets can have benefits for police relations with younger people and indigenous people. However, they put strong reservations there because there is already a sense among some young people and indigenous people that they are harassed by police, particularly if they gather in groups or dress differently; and a greater police presence on the streets could basically go either way. That could actually assist in building a better relationship with police or it could go the other way. As ACTCOSS pointed out, a careful balance would need to be struck between the greater visibility and any perceptions of increased harassment that a higher police presence may cause.

These are, of course, points of view that are informed by the member groups of ACTCOSS who are working directly with young people. I am assuming Mr Pratt would take those recommendations seriously.

The other recommendations that they made, which I think are important to raise in the context of this motion, are that the AFP continue to train police in cultural awareness and that the AFP fully integrate cultural awareness into community policing at an operational level. ACTCOSS also recommended that the AFP continue to encourage greater numbers of indigenous police officers and implement a similar strategy to increase recruitment of officers from migrant communities. I think having this social understanding in police work is very important.

I was at the annual general meeting of the AIDS Action Council the other night. They give awards each year. One of the awards went to the policing unit for gay and lesbian people. That is a really good example of social understanding being brought into police work. It has been very successful and the police have been commended by the community for that work. I certainly support that commendation.

So I do have some sympathy with Mr Pratt's interest in community policing, but unfortunately the rest of his motion is very difficult to support. I will certainly put on the record that I have sympathy with the idea about community policing or the reservations that are put. Mr Pratt's motion claims that the performance of ACT Policing is clearly beginning to decline. I have a problem supporting that point as I haven't seen or heard clear evidence to support that.

Some very good work in pilot-type programs has been developed by the police working in partnership with community organisations in the past. I have mentioned a couple already. There was a neighbourhood dispute resolution project in Tuggeranong which I think dwindled. This aimed to divert neighbourhood disputes to mediation which builds community rather than immediately reacting with recommending protection orders. Project Saul, which Mr Pratt also thinks is a good project, is another example.

But getting back to crime: the crime prevention budget for the police last year was not spent. The police, I understand, did not have the time to work on such projects with other community groups and the money was returned. This is a great shame as there were community groups, for example the Youth Coalition, who were ready to work on what could have been very useful initiatives.

Investigations consistently tell us that family support, not just crisis intervention, and reducing inequity in society are the most effective means of reducing crime. While an effective and community-minded police force is important, it will not of itself reduce crime; and it is very important to look at these broader social issues.

As Ms Dundas mentioned, of course drug law reform is very necessary. A huge percentage of people going through our courts, particularly young people, are there for drug-related crime. Drug law reform is an attempt to deal with this. It has got to come up as a major issue in any debate about crime in Canberra. The fact that we still do tend to criminalise people who have these health problems not only is counterproductive for the people who have the health problems, it is counterproductive for the rest of the society who bear the brunt of the crime as a result of those people who are sick and have drug addiction.

I would really like to see the Liberal Party take a much stronger position on that, although I know Brendan Smyth does. He is a member of the Parliamentarians for Drug Law Reform. I really commend him for that broad vision but it doesn't seem to come out so much in these sorts of motions. Also, of course, very important are the diversionary programs and restorative justice and rehabilitation in terms of reducing crime.

I am also not able to give my support to the claim that there has been an increase in complaints. I understand, rather, that the level of complaints recorded in annual reports has remained reasonably steady over the years. That is not to diminish the importance of

complaints. I am on the record in many areas with a concern that complaints be taken seriously and used to build better services, a better organisation, a better policy response or whatever. I am also concerned that those complaints are responded to in a way that addresses the hurt or other injury of the complainant. But I would not be happy to support the first three parts of the motion as they stand.

It is, as I said, a concern that there are imbalances in experience versus inexperienced officers. I've heard Mr Wood's response to this, which is basically that there have been some changes. But it is a bit concerning. Mr Wood's amendment is rather annoyingly self-congratulatory on the first point, but I really can't argue with the rest of the amendment. I will support it.

I hope that Mr Wood is right, that ACT Policing is one of this country's most effective police forces, well led and trained. I don't know that for sure, but I'm sure Mr Wood can give us a bit more info on that. So I will be supporting the amendment from Mr Wood.

MR STEFANIAK (4.18): Firstly, I will just go through what some of the other speakers have said and then just briefly come to Mr Pratt's motion, Mr Wood's amendment and my amendment to Mr Wood's amendment.

I am amazed. Ms Tucker actually made a couple of valid points here. I did hear her, I think, say older people want more police in the neighbourhood and that also helps early intervention. Yes, it does. That is, I think, a very real reason why we do need to see in the community a more visible police presence, and that is, I think, why things like the mounted patrol and the bicycle squads were so terribly effective when they operated. More of that later.

Whilst it is nice to hear Mr Hargreaves praising the police in Tuggeranong, he made some amazing statements. Primary schools with attack rabbits. What a lot of nonsense. He shows his complete ignorance of what policing in schools was all about. There was a very effective program a number of years ago where actually police were effectively stationed for a couple of days a week, I think in Campbell High School and Campbell Primary School.

The relevant police officer who did that had a wonderful rapport with the students, and it had a very significant impact in terms of things like early intervention and actually getting out there and working out what was happening in the community. It was part of, I think, the community policing or country cop idea which Dave Rugendyke did so well in Kaleen and the other police officer did so well in the suburbs of Ainslie and Campbell.

That is one of the main points not only in Mr Pratt's motion but also in the policy in relation to community policing launched by him on behalf of the Liberal Party yesterday. So it is just ridiculous for Mr Hargreaves to make idiotic statements about primary schools with attack rabbits. He just doesn't understand.

He talked about an increase in burglaries, as I think did somebody else. It might have been Ms Dundas. They asked, "How can you say there's a crime rise?" I think Mr Pratt made that quite clear. Operations like Halite, which did a very good job of reducing crime, help reduce crime. As, indeed, any police officer will tell you, so too does section

9A of the Bail Act. Those intense operations like Halite and that particular section have a significant effect on crimes such as burglary because they actually attack repeat offenders.

Ms Dundas prattled on in relation to a number of issues. She talked again about the old red herring: let's address the root causes of crime. Well, you could probably do that until the cows come home, and you are never going to completely solve crime. It is often used, I think, just as an excuse to not do anything, or perhaps to dance around the problem, and to not really get serious in terms of addressing crime. You are never going to get rid of crime, but there is a hell of a lot you can do.

I point out to Ms Dundas, and anyone else who wants to use that excuse about addressing the root causes of crime and not trying to get tough, that in New York Mayor Giuliani, who did a great job out here in terms of drumming up support for the bushfires, actually introduced a zero tolerance program. If people were seen actually committing any sort of criminal act they would be arrested. It was amazing. That often led to convictions for much more serious crimes. The New York crime rate, which was appalling, went down by some 40 per cent as a result.

He probably wasn't addressing the root causes of crime; that takes a hell of a long time, and I am not saying you don't do it. Yes, you do need to do it. But that is a long-term strategy—10, 20, 30 years or more sometimes. You have got to also address what is occurring at the time and take appropriate steps to ensure that you can crack down on crime; you can reduce it; and you can reduce it effectively. New York, I think, showed that very well, as indeed do operations like Halite and indeed section 9A of the Bail Act. Both of those areas are very positive steps which have a real effect of reducing crime, especially certain types of crime. I was pretty disappointed to hear what Ms Dundas was saying.

Then she was going on about police getting people remanded, then getting their act together and actually getting evidence. Then the offenders would be dealt with by a court and maybe jailed again. Ms Dundas, very few people actually get jailed in the territory for anything, which is a cause of concern for, it seems, about 83 per cent of our citizens. I can assure you police just don't operate in that way. More often than not, by the time someone is actually arrested the police have got a pretty reasonable brief at that particular time, and the courts certainly do their best to ensure that people are dealt with as expeditiously as possible. They do that now and they certainly did that during my experience in the courts as a prosecutor and indeed working with the defence.

I don't think you could ever accuse either the police or indeed the courts of letting people languish in custody, certainly whilst on remand, waiting for a case to be dealt with, waiting for people to get evidence together. That quite clearly does not happen, and you really need to check your facts there.

Mr Wood again made this cheap, glib comment about an animal-led police recovery. He spent a lot of time talking about it being much better having police come there in cars, getting there quickly. Yes, they can, but there is a real problem when police are really stretched, when police are asked to come in on overtime—and that has often occurred in the past but now we are finding police officers are just unable to even come in and do

overtime. There is a real problem when people tell Mr Pratt, they tell me, phones are ringing out in police stations and there is a real difficulty for police often to actually get out there and attend incidents.

That is something that Mr Pratt has spoken of in his speech and is something I think most of us in the Assembly are probably getting complaints about. As someone who has been here for a long time, I don't think I have ever seen a situation quite like that where people say the phones ring out at police stations. You get a consistent number of complaints by people that actually the police can't get out to certain incidents.

Cars can be good if used properly, but in terms of the animal-led recovery, the bikes, the non-motorised vehicles, and the horses have been pretty effective. I remind the minister of the horse patrol which nabbed about four vandals and perhaps would-be thieves breaking into cars and vandalising cars at Bruce Stadium a couple of years ago during a Brumbies game. They caught these vandals red-handed and then called up some support and these vandals were duly arrested. They have also seen people breaking into houses in suburbs simply because they are riding around the back of the houses and they can see people over the top of fences. Again, that is a very effective form of deterrence and a very visible presence, as indeed were bikes.

Mr Hargreaves talked about his own electorate in Tuggeranong. I think the police bike patrol in Tuggeranong was particularly effective when it operated. As a resident of Belconnen, I remember saying to my colleagues in government, "Come on, guys, let's get one in Belconnen," because it was so effective in Tuggeranong. His comments in relation to that show his desire to see bike patrols throughout Canberra. I think it is a very visible form of police presence and a very effective one as well. Again, it led to a lot of criminals being apprehended and to a lot of arrests. Bikes can go places police cars simply can't.

I think Mr Wood perhaps shows his ignorance there again by making trite comments like animal-led police recoveries. As for the police dogs, again, they are a very effective tool in fighting crime, especially when you have to break up things like minor riots or a whole series of drunks who are having a punch-up or something in a pub. The police dog squad has been used very effectively for those sorts of things—from the Summernats, I recall, back in 1989 when I went out and actually saw them in operation, through to some problems we have had in the past in Civic late at night. Apart from the other uses they have as well, again, I think it is a very good point for Mr Pratt to raise.

There are some really worrying trends. I have heard of people being burgled six times. I have heard, for example, of that tragic murder and the tragic injury at the Latham shops. That particular place had been held up a series of times.

There are problems at shopping centres like Florey, which you are well aware of, Mr Speaker. Again, the police are doing their best to assist, to stop those problems developing too much and to counter them. But they are really constrained in terms of their resources.

I heard of a lady in Jamison who ran an embroidery shop and who has actually ceased to operate because she has been broken into so many times and also was subject to shoplifting and other criminal activities. She has actually had a crime-induced

closedown. She estimates in the last two years she has lost $100,000 in relation to break-ins and the like. Those are scary things. Something needs to be done.

Mr Pratt talks about our community deserving better. It does, but our police force deserve much more attention from this government. They deserve a lot better; they are an excellent police force; they are probably not one of the best but the best in the country. They need a lot more assistance than they are getting. They do need better resource-management procedures. We do need to increase the number of beat police officers in Canberra.

A community policing plan would be an excellent idea because it does increase the physical police presence in Canberra's suburbs. We do need to ensure that our frontline police are properly resourced so that they can answer phones in the police station, so that they can get out and respond to crime.

That is why I think it is so important, Mr Speaker, for people to support my amendment which actually amends the government's amendment by inserting after the third paragraph the four points we want to see this government actually do to assist our police force and assist our community. If they do that, that will go some way towards making Canberra a safer place. They owe it to the community and they certainly owe it to the very fine men and women in the Australian Federal Police force.

I commend my amendment to the Assembly.

MR SPEAKER: You will have to move your amendment.

MR STEFANIAK: Mr Speaker, I formally move:

> After "intelligence policing", insert:
>
> (3A) "Calls on the Government to:
>
> (a) enhance resource management procedures that ease the decline in performance;
> (b) increase the number of 'beat police officers' in Canberra;
> (c) develop and implement a community policing plan that significantly increases physical police presence in Canberra suburbs; and
> (d) ensure that front line police are properly resourced and not diverted to administrative duties.".

MR CORNWELL (4.28): Mr Speaker, I will speak to the entire motion and the amendments. I think it is important that we put on record that we are not running around drumming up problems; we are not suggesting that our police force should be wandering around this territory; and we are certainly not criticising the police. Mr Pratt's motion is perfectly clear. It indicates that we are concerned about the falling quality of services provided by the police force, because they are being neglected by this government.

I was interested to hear Mr Hargreaves' comments about how well things were doing in Tuggeranong, and then the *Southside Chronicle* arrived. This report appeared:

> Motorists have once again become the target of juveniles who have been seen throwing rocks at passing cars on some of Tuggeranong's arterial roads.

A gentleman complained that this happened at the underpass between Taverner Street and Erindale Drive. He discovered that one of them was the same person who had been throwing rocks at him somewhere else. No doubt, Mr Hargreaves, the motorist who suffered that would have welcomed a few police attack dogs in that area.

Might I also suggest that the 27-year-old lady who was attacked at Lyons shops last Sunday at noon and had her handbag stolen and is still traumatised might have appreciated the same thing.

Then there are the break-ins that we hear about so frequently; the concern, as Ms Tucker quite rightly identified, of the aged people in this community, many of whom are scared stiff to go out at night, absolutely terrified to go out at night.

The view in the community is that the courts are soft on penalties which, incidentally, Mr Speaker, does nothing for police morale, I would suggest to you. What is the point of trying to track somebody down, picking up this low life, and then finding that they are let off by a far too-indulgent justice system? We have the law in this city. I sometimes wonder if we have justice.

We are accused of being tough on crime. I make no apologies for that. We are. We are concerned about the growing unease in the community, particularly in my case in relation to the aged. Yet I hear the attitudes of the government, the attitudes of the crossbench, on this. Ms Dundas talks about it not being just about locking people up; what we have got to look at is the causes of crime. I trust Ms Dundas is not suggesting that we don't lock anybody up, that we just address the causes of crime, otherwise I suppose we will have serial killers running around being counselled.

I appreciate that there are some people in this Assembly who would like to turn Canberra into nannyville on the Molonglo, but the truth remains that we have some very serious offenders in this city who need to be dealt with and this government is not providing the resources that we need to control these people. Those resources are the police force.

It is simply not good enough to accuse us of being tough on crime because then we get into a name-calling exercise. We would be accusing the government, and quite rightly, of being soft on crime. I believe that there is good evidence to support that, but for the life of me I fail to see why, unless Labor imagines that all these offenders are somehow going to vote for them at the next election and they want to ensure that their voting base is kept safe. I don't think for a moment, Mr Speaker, that that would be the reason.

Mr Quinlan: What did you say it for?

MR CORNWELL: I said it because you can refute it if you wish, Mr Treasurer. The point I am making is this: there has to be some reason for this strange attitude that you people and some of the crossbenchers are taking towards this whole issue. I find time

and again, listening to the comments, that the message I am getting is that this government is soft on crime. It is all very well to quote statistics about the falling numbers.

Mr Wood: I've never heard that. Nobody tells me that—the people that I talk to.

MR CORNWELL: I speak to a great many people, Mr Minister, and they are very, very unhappy about what they see as the safety in this city.

Mr Wood: Give me an example on how we're soft on crime.

MR CORNWELL: I have just been hearing it from your side. I spoke recently to a Neighbourhood Watch group. I met, in fact, one of the police volunteers. There are some 49 of them, I understand, and they do a very good job by relieving pressure—if you like, the paperwork, the work behind the desk, et cetera, in stations.

Mr Wood: Indeed they do.

MR CORNWELL: We agree, Mr Minister. That, I would hope, would free up officers to attend to more important issues. I have no evidence to say that doesn't happen. The problem, nevertheless, still seems to be that there is a great concern out there in the community that not enough attention is being paid to crime.

Mr Pratt's motion puts forward some sensible ideas. He talks about the beat police officers. Most of the people who misbehave, except I suppose for those who are habitual criminals, are show-offs or perhaps cowards—I don't know which. Most of the concerns that many people feel, particularly the elderly, are about what they see as antisocial behaviour. It may not be threatening to them personally, but it is threatening. The fact is a beat police officer will soon prevent that type of thing happening in the area. That is the point.

We have a responsibility to ensure not only that our population is safe here in this territory but also that they feel secure. I believe that a number of the suggestions put forward by Mr Pratt are a step in the right direction. I do not want to see any further diminution in the number of police out there. I would like to see them increased. I would like to see more justice in the city, rather than the law.

I commend Mr Pratt's motion to members. I don't see anything wrong with it and I am puzzled that the government should attempt to twist this around so that it appears to be an opposition attack on the police. It is far from it.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (4.37): I will speak to the suite of questions before the house, Mr Speaker. First of all I will say that not a lot of fact has been introduced into this debate from that side of the house, but I will give you one fact. If the Liberal government had been returned at the last election and they had honoured their election promises, there would be fewer police operating in Canberra today. Go look at the pre-election commitments.

Let me repeat that in case you missed it. Had your election commitments at the last election been implemented because you were returned to government, there would be fewer police in the ACT police force today. So this is just one of those "we're now in opposition, we don't have to pay the bills" proposals.

I notice Mr Pratt stated, in public, you are going to pay for the additional police by industry development, including the film and television industry. I would like to see that financial plan. We are, at this stage, of course, keeping a little tally on commitments such as those which have been made already.

There is a certain amount of intellectual fraudulence in coming in here today and saying there are not enough police when you went to the last election promising fewer than we have today. But let's take it further. Ms Dundas, whose office quite clearly did a lot more homework than your office, Mr Pratt, came here with a little bit more information and effectively demolished what you put in front of us. What you have done is put selectively a few figures in front of this place that prove absolutely nothing.

You started with the old standard statements: "Informed members of the public say to me," "Members of the police force say to me." What does that mean? What is that code for? That is code for: "I don't have any hard data. I will selectively use the statistics that are available." While I will concede that statistics have been erratic over the last four years, Mr Pratt, there is an intellectual fraudulence in that. I just happen to have in front of me the ABS statistics of victims of crime for the ACT from 1993 to 2002, and it is not a picture of crime increasing rampantly in the ACT. That is not the case.

I know it is one of those "yes, we might be able to make something out of this one because it has some resonance out in the community; we might be able to pick some political points out of this" situations, but at least come to this place with some form of rigour in the research that you have done to support the assertions that you make. Do this place the credit—or, put in another way, don't insult the intelligence of this place.

I do congratulate Ms Dundas, now she has returned to the chamber, on the work that she or her office has done, in fact, in demolishing some of the things that you said, Mr Pratt, and pointing up the intellectual weakness of the case that you have made.

The motion calls on the Assembly to note the increase in community complaints. Where is the hard data for that? You made that up. You come into this place and make it up. This is supposed to be the parliament of the ACT. Get some hard facts, for God's sake.

You also talked about response times. We do have a policing agreement in the ACT and there are a range of response times that are targeted. Certainly we would all like to see them much better; we would like to see immediate response to life-threatening situations where people feel in danger. But let me assure you that, on the audited statistics that we have available to us—and I don't guarantee 100 per cent that they're the best figures, the best hard data that we have—generally, the targets in response times have been met or exceeded.

Let me give the figures. For priority one, response within eight minutes: target, 60 per cent; results for 2002-03, 69 per cent. Within 12 minutes, 90 per cent is the target; result,

89 per cent. It is pretty much on target. The story goes fairly consistently through priorities two, three, four and 000 calls that have been made to the police.

They don't deny that there won't be times when there are a spate of difficulties and some people won't get through to the police immediately, but we ought really have the decency to come in here and at least give the true picture and not a totally biased picture based on a couple of anecdotes. You can make any argument you like if you don't have the intellectual rigour at the base of the case that you're making. Let me say that the case that was made here is totally devoid of intellectual rigour inasmuch as you didn't bother to attempt to back it with hard data.

In terms of the response time, as Mr Wood, I think, advised the house earlier, police are now trialling a telephone system which will try to improve that; so they are in fact working on it. It is a problem that they recognise; it is a problem not necessarily associated with numbers; it is a problem that must, by its nature, be sorted out within the police force.

In terms of other backing for your argument, Mr Pratt, I think you used the *Canberra Times*. I think Ms Tucker quite rightly put that into perspective. I have to agree with Mr Hargreaves when he did, in his own way, pour scorn on some of the suggestions you have of dog patrols in suburban areas. I have to say I didn't think of attack rabbits, but I immediately thought of Inspector Rex or something of that order leading our police force.

Let me close by giving this place a repeat of the information I started with. Had the Liberal government been returned at the last election, the police numbers in the ACT would have been lower then they are today if there was any integrity in the election commitments that you made at the time.

MR PRATT (4.46): Mr Deputy Speaker, if I could just put the lie to Mr Quinlan's rampant, ranging, emotional attack on our motion by pointing out that in fact the Canberra Liberals, in their election promises in 2001, had indeed committed to provide funding for a fully committed and operational police force in the ACT. Of course you will run off now; you won't want to stick around for the heat. That policy said that the Canberra Liberals are committed to maintaining the standard of policing delivered to the ACT through the purchase agreement between the ACT government and the Australian Federal Police.

Mr Deputy Speaker, the Liberal Party was committed to maintaining, as a minimum, the status quo. The Treasurer has entirely misled this place on what the position of the Liberals was in the first place, and that is why he has had to flee this place—so that this matter couldn't be brought to his attention.

Mr Deputy Speaker, community policing, Mr Wood tells us, is not possible. Mr Wood is throwing in the towel; he is not even going to try to see how we might enhance the ACT policing system; he is simply throwing in the towel. He goes on to belittle the fact that, as he put it so colourfully—perhaps the RSPCA might want to make a comment about this—there could be an animal-led recovery to policing; that it was, in fact, a joke.

He talked about police in cars being able to better respond. Well, if Mr Wood had listened, we were talking about crime prevention; we weren't talking about rapid response. We know that we have a very capable rapid response. If Mr Wood had listened to what I had said, the community policing team consisted of a number of layers of police—police on bicycles, police on horseback where appropriate, police in patrol cars backing them up. He didn't listen and he went off half-cocked, but that is what we have come to expect from this minister.

I don't know how many times, Mr Deputy Speaker, I have heard today this phrase "police on every corner". Mr Wood raised the issue. Ms Dundas brought this silly, simplistic idea up. Why do we have to have this simplistic response to a question about community policing? The simplistic response is that, having police on every corner, is somehow all that is required.

Indeed, beat police means police on foot, police on bicycles, police in cars, interacting with the public, talking to the public, getting to know the public, collecting crime intelligence. It doesn't mean guys in big black boots standing behind sandbags, Mr Deputy Speaker, but you would think so listening to that response from across the other side and the crossbenchers.

Mr Deputy Speaker, the minister talked about police numbers and strengths. As we have just heard, the Treasurer put a lie down here today about what our position was on police numbers in the lead-up to the last election. Granted, Minister, you have perhaps increased police ranks by about 10 or 15 police.

Mr Wood: Fourteen.

MR PRATT: 10 to 15 police, I said. I will bracket the target. There is no question about that. But the point is: that is on paper, and the community is asking, and we are asking, "If that is the case why has the frontline community policing presence deteriorated? Where are they going?" The point following on from this baffling problem of where have the police gone to is the fundamental issue of what we are driving at here today, Mr Deputy Speaker.

Community policing means more police in the frontline. That means, if necessary, removing resources from the back of the force out into the community. Something is not happening. We are asking all the time why that is the case. Perhaps Mr Quinlan, with his budget management plan, could give that answer as to where those police numbers and where those human resources have actually gone.

The minister talks about Canberra being a safe place—the perception. Well, of course, Canberra is relatively safe compared to other cities and communities in Australia. But, Mr Deputy Speaker, there is no denying that trends are deteriorating and that the community is worried about that. The trends are deteriorating and the community is worried about that. I repeat, Mr Deputy Speaker, what I said earlier. Canberra is not immune from the deteriorating national trends. The ACT community, through its government and its police force, needs to adjust to that.

Mr Deputy Speaker, I would not like to hear anybody in this place say that the community does not know what it is saying. I have a strong sense that the community is right and that we need to take action to carry on with that.

Ms Dundas said that I was ignorant in respect of point 6. I don't know what the hell she was driving at. If anybody is ignorant of what the meaning of that part of the motion actually is, then I am afraid that Ms Dundas has perhaps demonstrated that.

Ms Dundas has also misled on the issue of time in remand. We have not, in our proposal today, talked about increasing times in remand for prisoners. In fact we want the opposite. We want to hasten the system so that people do not clog up courts and do not remain on remand, tying up valuable police time and valuable court time. So that was a misleading statement, Mr Deputy Speaker.

In fact I would have to say that, if people in this place are going to debate this serious issue, then they need to put aside their emotional soft-on-crime attitudes, seriously examine the facts and listen to what the community majority are saying.

When Mr Quinlan and Mr Wood talk about numbers, yes, they are right; the numbers of ACT police per capita are near the Australian average. But what they don't tell you, and of course Mr Quinlan wouldn't dare tell you, is that some of those are unsworn police and some of those are civilian public servants. Smoke and mirrors! Mr Quinlan, big chief smoke and mirrors!

Mr Hargreaves accused me of denigrating the police. Well, that's a gross misrepresentation as well. We have in fact supported the police. When we talk about declining performance we are talking about the declining performance—

Mr Quinlan: On a point of order, Mr Speaker: Mr Pratt has so far said, "Mr Quinlan put a lie down here." I chose to ignore it. He has on a number of occasions accused other members of misrepresenting. I think you have been here long enough to learn to debate, say what you want to say, without using that—

MR PRATT: That's not a point of order.

Mr Quinlan: Excuse me. I ask for a withdrawal of "Mr Quinlan put a lie down."

MR DEPUTY SPEAKER: Mr Pratt, the word "misleading" and the word "lie" are out of order. Please withdraw.

MR PRATT: Mr Deputy Speaker, I withdraw.

MR DEPUTY SPEAKER: Thank you.

MR PRATT: Mr Quinlan has predictably launched an array of personal attacks today to obfuscate the issue. There is no use attacking these statistics as they have been laid out because these statistics stand for what they are. But of course Mr Quinlan is bereft of any ideas to add to this debate today. Nor does he have the arguments to defend the

government's position. But of course we shouldn't forget that Mr Quinlan was the police minister in 2002 and has a lot to answer for about these declining performances.

Mr Deputy Speaker, following Mr Hargreaves' sluggish rambling about how we do not need additional police and that I am over reacting with this motion, I would like to pick up on the one very rare worthy point that he did make about additional police officers and associated equipment. Mr Deputy Speaker, the Canberra Liberals have launched the creative Canberra policy platform for the next election. Part of this policy platform is to diversify the economic base by introducing new and creative industries to Canberra so that we don't have to rely solely on taxes and traditional revenues to resource new initiatives. *(Extension of time granted.)*

As I was saying, Mr Deputy Speaker, we don't have to rely solely on taxes and traditional revenues to resource new initiatives such as community policing. Mr Quinlan might have to. He might have to exercise no imagination and just take us down the same old path of land tax revenues, but we have a more productive and a more positive approach. And we will pay for our core programs such as education, health and policing through that diverse, creative approach. Learn something, Ted. Listen. Mr Deputy Speaker, this creative Canberra platform, we anticipate, will allow the Canberra Liberals to fund new initiatives and complement the traditional policies with innovative policies such as this one.

Mr Deputy Speaker I would like to see what Mr Hargreaves' reaction would be if his house had been robbed. What would he say about the lack of resources? In finishing up, the community understands that some pretty fundamental things in our society, nationally and here, are breaking down in terms of the fast, demanding pace of life, and in terms of the increasing breakdown of family life, and particularly families at risk. Mr Deputy Speaker, the community is sympathetic with these societal trends, and the community understands the causal link between such trends and crime.

Consequently, we in the community have all bent over backwards for years to cut some slack with certain categories of offenders. But, Mr Deputy Speaker, the community's deep concern with the increase in crime means that society's ills can no longer be an excuse for a community not equipped to confront crime. The community understands that this growing challenge must be carried by many departments operating in sync, and clearly lead by courts being sensible, which currently they are not.

Mr Deputy Speaker, the community is sick and tired of the soft-on-crime approach by many of our colleagues in this place and by politicians in many other places. Mr Deputy Speaker, the community understands that our police force must be better equipped and supported to take the fight to growing crime and to make Canberra a safer place.

Question put:

> That **Mr Stefaniak**'s amendment to **Mr Wood**'s amendment be agreed to.

At 5.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Mr Quinlan
Mr Cornwell		Mr Corbell	Mr Stanhope
Mrs Cross		Ms Dundas	Ms Tucker
Mrs Dunne		Ms Gallagher	Mr Wood
Mr Pratt		Ms MacDonald	

Question so resolved in the negative.

Amendment negatived.

Mr Wood's amendment agreed to.

Motion, as amended agreed to.

Employment conditions for casual workers

Pursuant to standing order 128, Mr Hargreaves fixed a future day for the moving of his motion.

Gaming machines in the ACT

MS DUNDAS (5.04): I move:

> That this Assembly calls on the government to empower the Gaming and Racing Commission to reduce the current number of gaming machines in the ACT to 3000, in line with the national per capita average, during the financial year 2003-2004.

I have brought up numerous times the issue of the number of poker machines in the ACT, but I believe that discussing it again today is timely, as the government may be tabling its response to the review of the Gaming Machine Act, which was produced by the Gambling and Racing Commission last year.

I want to clarify the intention of the motion to the Assembly, as there has been some confusion over the timeframe that is involved.

MR DEPUTY SPEAKER: Order! There is far too much audible conversation.

MS DUNDAS: Thank you, Mr Deputy Speaker. Timeframe is important in relation to this motion. The motion calls for the commission to be empowered to begin reducing poker machine numbers by the end of the financial year. It may take considerably more time to achieve the reduction in poker machines numbers, and I understand that there will be a process involved, depending on the duration of new licences and the ability of the commission to determine a suitably staged and predictable reduction in different venues.

Full reduction will probably take years to achieve, but it is essential that the power to do so be transferred as soon as possible. This motion calls for it to be completed by the end of this financial year. Much as I would like to complete the reduction of poker machines in the same timeframe, I understand this will not be possible, given the administrative changes that need to occur first. I want to make this point strongly: I am not asking for the number of machines to magically drop over the next few months; I am asking for the process to begin.

My motion before the Assembly today goes to the central issue of poker machines in the ACT. Why do we have so many? I have asked this question before and have never got a satisfactory answer from anyone. Why does the ACT have the highest number of poker machines per head of all the jurisdictions in Australia? Why do Canberrans spend three times as much on poker machines than on all other forms of gambling put together? Do we believe that Canberrans enjoy gambling more than any other Australians? Do we believe that Canberrans have a greater demand for gambling services than other Australians? I do not think so.

I believe that the extraordinary number of poker machines in the ACT is due to the lax control of poker machine proliferation in the territory, beginning with the previous government and continuing in the current one. Despite the introduction of the Gambling and Racing Commission and the introduction of a cap on the number of machines, we are still granting new licences and we are still allowing more and more poker machines to get into the community, even though we know they have great potential to create harm and suffering.

The ACT government needs to confront this problem head on and work to reverse the number of poker machines in Canberra. So far, we have commissioned report after report and review after review but have failed to take any decisive action against this growing social problem. We need to act now to reduce the impacts of problem gambling and to make it clear to the ACT community that we do not want to be the poker machine capital of Australia.

I have mentioned on numerous occasions the social damage that is caused by the high incidence of problem gambling. The ACT government has commissioned two studies on the problem, which have been conducted by the Australian Institute of Gambling Research: *Survey of the nature and extent of problem gambling in the ACT* and *ACT needs analysis: gambling support services*. Neither of these studies has ever been given a formal response by either the former or the present government. The reports present a stark picture of the significant problems faced by problem gamblers in the ACT and demonstrate that there are over 5,000 problem gamblers in Canberra.

Reducing the number of poker machines is the quickest and simplest way to reduce the incidence of problem gambling. It will also put an end to the proliferation of poker machines and send a clear message to the industry that poker machines should no longer be considered a cash cow to be milked for all it is worth. There is no good reason why the number of poker machines we have for our population should remain at 80 per cent ?? above the national average. Even then, it is useful to remember that Australia has the highest number of poker machines per capita in the world, so the Australian average is not a particularly low benchmark.

I believe the debate we should have today gives all members the opportunity to tell the government what they expect to see in the government's response to the review of the Gaming Machine Act. One of the most fundamental issues that need to be addressed is the granting of poker machine licences in perpetuity to organisations. It is clearly unsustainable to be handing out poker machine licences that have no end date. This practice has been a major component of the proliferation of poker machines in the ACT and occurs simply because the Gambling and Racing Commission has no power to remove or revoke licences once they have been issued, regardless of the appropriateness of the venue or the level of use of the machines.

We have to move away from that system. No-one has the right to operate a poker machine, and our licensing system should reflect this. We need to be able to move licences to venues that are better suited and better regulated. We need the ability to remove machines from venues that do not comply with the regulations or the code of practice in order to improve compliance with harm minimisation measures. Perhaps most importantly of all, the Assembly needs to make a determination on the extent of poker machine gambling allowed in the territory and give the Gaming and Racing Commission the ability to reduce or increase the number of machines accordingly.

The review recommends a number of harm minimisation techniques to assist in reducing the extent of problem gambling. I do not believe this should be a substitute for reducing machine numbers, but it should be a complementary method of reducing the harm that poker machines cause. However, there are a number of initiatives in the document that I believe the government should implement.

First is the removal of ATM machines from gaming venues. There have been numerous studies, including the results of the federal government's Productivity Commission report, that demonstrate that problem gamblers are far more likely to use automatic teller machines in poker machine venues than low-level, recreational gamblers are.

The removal of ATMs from gaming venues will help limit the losses by problem gamblers on poker machines and require gamblers to leave the venue to acquire additional gambling funds. This break in the gaming cycle is an essential part of preventing problem gambling. It can give problem gamblers a break from the trance-like state that poker machines can induce.

The same principle goes for the banning of smoking in gaming venues. Research has shown that problem gamblers are far more likely to be smokers than not and that forcing gamblers to leave the venue to have a cigarette gives them a break, which is essential for allowing them to make the decision to stop gambling at that time. It is unfortunate that the commission has not taken up this recommendation but, if the proposal to ban smoking in enclosed public places succeeds, it will also apply to gaming venues.

I would like to see these issues addressed in the government's response to the review of the Gaming Machine Act. This response from the government has often been called on since the report in December last year. If we are serious about making a difference in problem gambling, the government needs to take a lead in this way.

Ms Tucker has repeatedly brought to the attention of the Assembly the idea, newly emerging from research, that proximity of the gaming venue to a person's home is a high indicator of the level of problem gambling. Perhaps we need to look at greater regulation of the location of gambling machines to stop them being introduced into new areas and to limit or reduce the presence of poker machines in our suburbs.

Finally, we have to reassess the role that poker machines have in the territory. I often hear that poker machines are just another form of entertainment, are good for the economy and provide pleasure and an escape from the drudgery of everyday life. However, I think we need to examine more closely what type of social environment we are encouraging when we allow this type of machine to proliferate.

Poker machines are played alone and involve no human interaction whatsoever. They involve no physical exercise, which we have already discussed today. There is no intellectual stimulation and they tend to remove and isolate people from their families and friends. Apart from the negative effects of problem gambling, are poker machines really the type of entertainment we wish to encourage in the ACT?

With this motion I call on the government to start the ball rolling in reducing the number of machines we have in the community. The cap is currently set far above the national average, and we are fast approaching that cap, meaning that there are no more machines to be distributed. We need the work to be done so we can do the analysis of why we have so many machines in our community and how they are being utilised, how we can more closely regulate the operation of a licence, how we can move machines around and what it is we are trying to achieve by having a pokie industry in the ACT.

This work needs to start soon so that we see a reduction in the number of poker machines and hence a reduction in the number of problem gamblers in the ACT. At the moment, there is one poker machine for every problem gambler in the territory. That is a disturbing statistic and one that we need to address as soon as possible. I hope the Assembly is supportive of this motion and of the work commencing on the poker machine industry in the ACT to bring it back into line with the national average and to address the problems that having so many poker machines in the community produces.

MR STEFANIAK (5.16): Mr Quinlan told me he will go for 10 minutes, and I do not intend to go that long on this motion. Tomorrow the government will be bringing in its response to the Gaming and Racing Commission, and it would be sensible if we had a look at that before giving knee-jerk reactions and picking an arbitrary figure.

Ms Dundas, the 5,200 had a bit of arbitrariness about it when it was picked. It was more than what there was at the time. It was probably a realistic figure at the time. You are quite correct that, with the passage of time, there is pressure on that particular cap. There are some strong arguments both ways about whether it should be reduced or increased.

Your motion calls on the government to empower the Gaming and Racing Commission to reduce the current number of gaming machines in the ACT. My initial reaction is that it is better as the province of the Assembly than the Gaming and Racing Commission. The Gaming and Racing Commission should by all means advise, have input and

provide all sorts of relevant material for the Assembly to make its decision. On balance, I think it is a decision for the Assembly rather than the Commission.

To date, the cap has worked fairly well in limiting the number of machines and concentrating people's minds. I have heard you give the figure of 3,000. You have not given much justification of why it should be 3,000 except that we have a much greater number of machines pro rata than anywhere else.

Any sort of gambling is a problem, be it playing poker machines or people betting on flies going up walls. But I wonder whether arbitrarily reducing a cap will make much difference. A problem gambler will gamble wherever he or she can. Making it zero—Western Australia does not have any machines—may make a dent in the problem, but people will just go off and gamble elsewhere.

You also need to be cognisant of the fact that we have a very sophisticated club industry here. Clubs are where the poker machines are, but a lot of good is done by that industry in terms of services to their members and the significant contributions made to a number of very important activities in our town. Not the least of these are sporting activities, which are very much assisted by our local club industry.

Clubs are social centres in Canberra. They are somewhat unique compared with similar institutions interstate and have been for some time. For all the damage poker machines can do to individuals—and I do not doubt your figures for problem gamblers; I would like to see some more details—gaming machines benefit our community by enabling clubs to do some very good work.

For example, the Tuggeranong rugby union club fund 51 or 52 sporting and other organisations. When I was minister, they spent $750,000 a year on various sporting organisations. They spent money from their gaming revenue to build a magnificent complex at Erindale—two football fields and a grandstand. The Ainslie Football Club have used their money to build a magnificent Australian Rules oval, which has doubled as a soccer pitch for some very good matches by Canberra Eclipse.

Even the Labor Club, dare I say it, was sponsoring some arts thing—*Tommy* at the Street Theatre. There are any number of good uses that money could be put to, apart from the detrimental effects any form of gambling has on people in our community. It is important to make those points in the equation too.

We in the opposition look forward to seeing what the government will come up with in its response to the Gaming and Racing Commission's report, which makes a number of recommendations. It would be far better for us to give careful consideration to that, looking carefully at the evidence, rather than support a motion that is very much a one-off hit at this stage and which appears to have a somewhat arbitrary figure. I have advice that there are strong arguments for the numbers going down, but let us consider that in light of the full report, Ms Dundas. The opposition will not support this motion.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.21): This motion is more about getting the mover's name in the paper than it is about doing anything constructive. It is not based on sound argument. Ms Dundas asks why we spend more on pokies. I have been given

some figures, but I cannot guarantee them. I can quote from my source, which is a club. They have a vested interest. They advise me that between 1998-99 and 1999-2000 increase in real per capita gambling expenditure in the ACT was 1.3 per cent compared to the national average of 3.3 per cent.

They also advise that the ACT is in the middle of the ruck in terms of expenditure. In per capita terms, expenditure in the ACT on gambling in 1999-2000 was in the mid range amongst the states and territories, behind New South Wales, Victoria and the Northern Territory. According to the Productivity Commission, which Ms Dundas referred to, the relatively high overall per capita spending on gaming is because of the higher disposable income in the ACT.

??Ms Dundas referred to the Productivity Commission, so let me also continue to refer to the Productivity Commission. In its conclusion it said, "Quantity constraints on gaming machines appear to lack effectiveness for ameliorating problem gambling." Attention to the "demand side"—education, effective harm minimisation, counselling and treatment—and not simply the "supply side"—that is, restrictions—is the key.

This reorientation has begun in the ACT and continues with community based clubs taking a proactive role and supporting the holistic approach—addressing the gaming environment, the training of staff and gambling counselling. For example, there is treatment through Lifeline's Club Clear program and the Bet Safe program.

Let me support that by quoting from the monthly newsletter of the Wesley Mission, which I received at the end of May.

> A.C.T. … the plan for action!
> On 1 December 2002, with little fanfare, the Australian Capital Territory introduced what is probably the most radical gambling harm minimisation program in the world. Forget arguments over smoky gambling dens … The elements are set out simply and clearly in the Gambling and Racing Control (Code of Practice) …

The Wesley Mission, who work with people with a gambling problem, recognise that the ACT is doing something. The danger is that we end up with a bidding war of who is more concerned about gambling or who comes up with the most headline-grabbing change in the provision of gambling, rather than taking a constructive look at what is going on and the benefits arising from the club industry, which Mr Stefaniak referred to.

We ought to take the commonsense view and listen to the Productivity Commission. They are virtually telling us that prohibition is not the answer; education is the answer. We ought to give credit to the work that has been done in the industry in the ACT to minimise problem gambling and maybe allow freedom of choice.

Some of what Ms Dundas has said today I resent as an individual. I will be managed. If I am playing a poker machine and want some more money, I will have to go and get it because that is good for me. I resent that. These restrictions will impact not on the problem gambler but on people who want to play poker machines and can manage their gambling. I actually like to gamble. I do not play poker machines much, but I like to gamble. I think I can manage it, and I do not want to be controlled by the state, if you do not mind.

I would have far more respect for a proposition today of total prohibition because gambling is bad than for this halfway house of "Gambling is sort of bad. Therefore, we will sort of reduce it,"—and not because we have got some expert base for that. What we have is recommendations from the Productivity Commission that say it is not about prohibition; it is about education, help and management. Can we take an adult view of this, please?

MS TUCKER (5.28): Sorry, members. I am just getting—

MR SPEAKER: You do not look very sorry.

MS TUCKER: What do you want me to do—cry? I am really sorry. I have been listening to this debate, and I can see that Ms Dundas' motion is not going to be successful. I have some sympathy with it, so I am getting an amendment circulated, which I will sign, to change the motion so that it says instead that we ask the Gambling and Racing Commission to report back to the Assembly on the costs and benefits of bringing the number of gaming machines into line with the per capita average. I hear what Mr Quinlan is saying that some progress is being made, and we do not know whether or not caps are really useful, and so on. But the reason we have a Gambling and Racing Commission is to do that kind of research.

Ms Dundas has put forward an interesting idea. Why not ask the Gambling and Racing Commission to do that work so that the Assembly is better informed on this issue? Maybe then we will get a different response. It is important to have that understanding. Obviously, I support the notion of a cap. I was the one that originally initiated it here because we seem to be extremely oversupplied and problems have resulted from too much gambling, on poker machines in particular.

Research on the influences of problem gambling has shown that accessibility, proximity and opening hours are important aspects in the reduction in prevalence of problem gambling. Reducing the overall number of machines available is not among the most important aspects on its own, but it will do a lot as part of an overall strategy—this is the understanding—and it is important to look at it.

When discussing this proposal in a different form in the past, I heard the argument that it would be unfair to people in new suburbs, who would then be without hope of getting a club. The idea is that clubs provide social services and that people want to be able to gamble locally. I do not agree with that. We do not have a right to gaming machines, and without limits it is difficult for people with a problem to control their gambling.

An example in Western Australia is also instructive. This is, of course, a very different community. Western Australia does not have gaming machines except for in one location: the casino in Perth. As a result, they have a much lower rate of problem gambling and a much lower per capita rate of expenditure and losses on gambling. But Western Australia does manage to have clubs, which provide a forum for people to get together in common interest and which provide a licensed venue.

The Productivity Commission found that caps on gaming machine numbers can help reduce accessibility and thus problem gambling. However, more targeted consumer

protection measures, if implemented, have the potential to be more effective, with less inconvenience to recreational gamblers. As Ms Dundas pointed out, the ACT has more poker machines than all other jurisdictions.

Whenever there is this sort of motion, the response from the gambling industry is always, "We now have responsible services being implemented in all venues." The clubs have certainly picked up that they have responsible services. This is to be commended. However, I also see the reality. People counselling people who are experiencing problems with gambling say that there is only so much a venue operator can do. It ultimately comes down to individual choice. The question of access has got to be brought into that discussion, and the number of machines is obviously related to access.

I acknowledge that it is complex, so I am moving the amendment that has now been circulated in my name. I move the following amendment:

> Omit "on the Government to empower the Gaming and Racing Commission to reduce", substitute "on the Gaming and Racing Commission to report on the costs and benefits of reducing".

I have pretty well spoken to that. I am interested to see what other members think of this amendment.

Amendment negatived.

MS DUNDAS (5.34), in reply: I was waiting to hear from the older parties about what they thought of Ms Tucker's amendment. Unfortunately, they remain silent. We will wait in mystery about why they thought having the Gaming and Racing Commission, which was set up to investigate the issue of gaming and racing in the ACT, do a report on the number of poker machines in the ACT is not necessary. The information would have been of great benefit, so I am disappointed to see that answer.

I will also address what my colleagues said in debate. This motion was not a knee-jerk reaction; it has actually been on the notice paper since March. It is about moving to address how we have continued to let poker machines in the ACT continue to grow in number. Mr Stefaniak himself pointed out that the cap of 5,200 was pretty much an arbitrary figure, found at the time. The figure of 3,000 is based on the per capita average across Australia, so there is a statistical underpinning to it.

Reducing the number of machines in the community supports the work being done by the government regarding harm minimisation. I recognise that the work the government is currently doing is groundbreaking and is starting to make a difference, but that does not mean we should stop there. We cannot continue to increase the number of machines in the community whilst having a harm minimisation message. We need to find the balance, and I think the balance of 5,200 machines with a harm minimisation message is not right. The cap should be lower, which is why I have moved the motion today. Harm minimisation and the reduction in the number of machines go hand in hand.

I am sorry the Treasurer feels resentful about some of the comments I made in my opening speech about harm minimisation, but that is what harm minimisation is about. It is about reducing reason and reducing access. I am glad to hear that the Treasurer is not a

problem gambler in relation to poker machines. Statistically, that should mean that he is not using ATMs in a poker machine venue, so the removal of poker machines would not necessarily impact on him or his gambling practices.

To make another point quite clear, this motion does not call for a prohibition; it calls for a reduction. That is quite different. It means that people who use machines socially still can and they can still continue to be part of the community, as so many people believe is vital. But we do need to then put a check on how many there are out there, and we need the opportunity to target problem gamblers more closely. That is what I was trying to achieve today.

I am disappointed that Labor and Liberal were not interested in supporting either this motion or the amendment to see a report on the benefits of what it is I was trying to do today. I thank Ms Tucker for her support, but I reiterate my disappointment that we cannot look at the number of gaming machines in the ACT or at whether reducing the number is good or bad for the community. I would like to see them reduced. Hopefully, the government's response to the ACT Gaming and Racing Commission report is a little more enlightening than the debate today.

Motion negatived.

Bail (Serious Offences) Amendment Bill 2003

Debate resumed from 25 June 2003, on motion by **Mr Stefaniak**:

> That this bill be agreed to in principle.

MS DUNDAS (5.38): Mr Speaker, the ACT Democrats will not be supporting this bill as moved by the Liberal opposition today. The issue of bail is quite a contentious one, and I have had a number of representations about this issue from different people over the last number of years. We need to be very careful about the conditions under which we effectively detain people who have not been convicted of any offence. I quote paragraph 11 of the Law Reform Commission report on laws relating to bail:

> It is undeniable that, despite the presumption of innocence, a person who is denied bail may be incarcerated for several months as a consequence of unproven allegations of a criminal offence which he or she may not have committed. Such a person may suffer real hardship as a consequence and, even if subsequently acquitted, may be left with a justified sense of grievance. It is not unknown for bail to be opposed but the charges subsequently dropped due to the paucity of incriminating evidence or even, on occasion, the subsequent discovery of evidence effectively exonerating the accused person. Furthermore, as John Donne observed sadly, no person is an island. When someone is abruptly taken from the community and imprisoned, his or her family may also suffer financial and emotional hardship. Yet even if he or she is ultimately acquitted there will normally be no financial compensation.

It needs to be clearly understood that, whether or not bail is granted to a defendant, the court may make an error in its decision. In his presentation speech, Mr Stefaniak alluded to a case where a court granted bail to a defendant who then went on to commit a further offence. We must also remember that the court may make the opposite mistake of

refusing bail to a person who would not have committed any further crime and sometimes even to a person who is never convicted of the offence they have been detained for. We need to be careful that we are weighing up both sides of this argument and not legislating simply on the anecdotal evidence of a few unfortunate cases.

We need to be clear that we simply cannot expect our judges to make the correct determination on every occasion with very limited information. The legal system does not have a crystal ball. We also need to be careful about locking people up for an action they have yet to commit. Obviously, there is considerable community opinion supporting the idea that perpetrators of crime be brought to justice and that those arrested be prevented from committing further crime.

However, we need to ensure that there is some sort of evidence or reason for denying the freedom of a person who has not been convicted of a crime. It is appropriate that the onus is on the Crown to demonstrate the reason that a person should be denied bail, and not the reverse, or at the very least that the court brings no presumption to the decision.

Whether under the current arrangements or Mr Stefaniak's proposed model, the discretion will still be placed in the hands of judges as to when a defendant should be granted bail. While Mr Stefaniak's bill is likely to reduce the numbers who commit crimes while on bail, it will not prevent this from occurring in every case.

On the other hand, it is also likely to increase the number of defendants who are detained unnecessarily and the cost to the taxpayer of detaining them. Perhaps, more importantly, it continues to erode the civil rights of ACT residents. I am not convinced that the benefits of Mr Stefaniak's proposal outweigh the cost to civil liberties and the principle of innocent until proven guilty.

As I said, I have heard from constituents and members of the community about this piece of legislation, and compelling arguments have been put on both sides. It is always moving to hear personal stories of how crime has affected people and what it has meant to their lives and their future. Whilst these individual cases are compelling, we need to look at the bigger picture.

On both sides there are unfortunate cases where people have been denied bail and have then had the charges dropped or a not guilty conviction recorded. Yet going on remand has had a huge impact on their families, may have meant losing housing and has set them on a downward spiral they were not on before they were put on remand.

I have considered this bill quite closely. In my mind, civil liberties and the responsibility of the court to make the right decision need to be upheld. Even though a few unfortunate cases have been brought to my attention, I think that our courts are doing their best at this point in time with the information they are provided with. That is what is important. There is still the presumption of innocence until proven guilty, which I think is an important underpinning of our justice system. We should not lock up people under conditions of denying them bail because of something they are yet to do. That is a very important part of our justice system.

I understand that the government is currently reviewing bail procedures and will be preparing its own bill in due course from a more moderate perspective than

Mr Stefaniak's. Hopefully, Mr Stanhope will join us in the next 30 seconds or so to tell us what he wants to see with regard to bail. While I agree that there is scope for bail reform in the ACT, I am not convinced that this selective and piecemeal approach is the best way to proceed with the issue. As I have said, the ACT Democrats will not be supporting this legislation today.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.45): The government will not be supporting this bill either. It seems to fly in the face of the presumption of innocence, as Ms Dundas has quite accurately pointed out. We do have a process for evaluation. Bail is not automatic. There are bail hearings, and we ought to allow them to continue.

I can envisage cases where people would be accused of crimes and later found innocent or where people accused even of murder would not necessarily be a danger to anybody else, even if it turns out that they did commit that murder. The government will not be supporting this bill, I trust.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.46): The government and I concur with those sentiments.

Mr Stefaniak's bill is a single issue bill, it is a bill which tries to imitate much of the work that the government has done and it is a bill which confounds basic aspects of the legal system. The view of the government is that the bill would place an unfair burden on the police, the prosecutors and the judiciary.

As members would recall, in June of this year I tabled the government's response to the ACT Law Reform Commission's report on bail. The government's response addressed all of the 25 issues raised by the Law Reform Commission and addressed further issues identified by the government, whilst Mr Stefaniak's bill is an attempt to address just one of those 25 issues.

I think that it is fair to say that it is simply an attempt because, in trying to be political and to appear relevant in relation to this debate, Mr Stefaniak has tabled a bill which is supposed to give the community, in my respectful opinion, the impression that he is tough on crime. The only thing, in the view of the government, that this bill does is to make it tough on our police and on our court systems.

At first glance, the bill seems to copy the Law Reform Commission's recommendation on offences which could hold a presumption against bail. At second glance, it is clear that the bill imitates aspects of the government's policy. On closer inspection, it is apparent that central parts of Mr Stefaniak's bill operate in a far different way from the Law Reform Commission's intentions.

Firstly, the government has already stated its policy on introducing a presumption against bail for charges of murder, attempted murder and accessory to murder. The government has also said that, once the territory's drug trafficking offences are modernised, it will introduce a presumption against bail for those offences that target organised crime. In the meantime, the government is removing the presumption for bail for these drug offences as they currently stand.

Mr Stefaniak's bill would make the Commonwealth offence of treason hold a presumption against bail in the Bail Act. Treason offences, of course, are extremely rare in Australia. The heinous part of treason is the murder of either the nation's sovereign, her heir, her consort, the Governor-General or the Prime Minister. If a person were charged with this crime of treason, the person also would be charged with murder. As I have indicated, the government's policy defines murder as an offence that holds a presumption against bail. That part of Mr Stefaniak's bill contributes nothing new.

Any other element of the charge of treason involving harm to the sovereign, war against the nation or assisting an enemy nation inherently involves a strong fault element of intention on the part of the offender. The government's policy of removing any presumption for or against bail for a charge of treason will enable the court to assess the strength of evidence in the first instance and to hear argument from the prosecution and defence to judge whether bail is appropriate. The government's approach retains a balance between the interests of the community and the individual.

However, the next part of Mr Stefaniak's bill confounds justice and imposes an extra burden upon the police. Mr Stefaniak's bill includes the presumption against bail for any indictable offence that involves an offensive weapon. The wording of the bill gives the impression that this subclause only means offences with an object that is inherently a weapon, but the explanatory statement gives it away. Mr Stefaniak has copied the definition of "offensive weapon" from the Crimes Act and he intends to paste it completely out of context into the Bail Act.

Mr Stefaniak's use of this definition would mean that any object that could be capable of being used as a weapon would be regarded as a weapon—any object, whether it be a belt, a handbag or a mobile phone. Common personal items are all defined as weapons under Mr Stefaniak's bill.

The bill also says that the possession of anything that could be used as a weapon is by default evidence that a person intends to use violence in an offence. This implication of violence also applies to the accused person if an accomplice of the accused has an object that could be used as a weapon.

There is another bizarre twist to this provision. This part of the bill applies to anyone accused of an indictable offence, which is an offence punishable by imprisonment for longer than a year. There are 132 indictable offences in the Crimes Act. There are only 19 offences in the Crimes Act which are not indictable. In the category of theft alone there are 13 indictable offences, which are frequently used and which contain no violent element.

In Mr Stefaniak's view, any person carrying an object that could be used as a weapon while committing any indictable offence should be put in the remand centre. That would put the police and the Director of Public Prosecutions in a very difficult situation. The police and the DPP would be compelled to inform the court of every circumstance where the accused person was carrying an object that could be used as a weapon and the court would be obliged to order that person to be remanded. The determination of whether an object that is not obviously a weapon is intended to be used as a weapon should be the responsibility of the court, not a burden for the police.

Mr Stefaniak's bill confounds the role of the judiciary to distinguish between offenders who are armed, offenders who carry instruments for crime, or offenders who simply carry everyday personal possessions. It would be the court's role to test and determine whether an object was intended to be used as a weapon. Even a cursory look at the number of cases before the court would reveal the enormous impact this type of blanket dictate would have on our justice system. In relation to theft alone, Mr Stefaniak's bill has the potential of increasing the population of the remand centre by almost 12 times, or 1,193 per cent.

In contrast to Mr Stefaniak's bill, the government is creating a presumption against bail for murder, attempted murder and accessory to murder; creating a presumption against bail for drug trafficking offences that relate to organised crime; removing any presumption for or against bail in relation to other serious offences identified by the government, thus allowing the courts to hear each and every case on its merits; and expanding the criteria to be considered in bail decisions and to provide additional guidance to bail decision makers.

The government is also retaining provisions in the Bail Act which requires courts or authorised officers to consider any known concerns expressed by a victim about the need for protection from violence or harassment; ensuring that the interests of a child remain of primary consideration when decision makers are determining bail for a child or young person; and ensuring that bail decision makers have clear guidance within the legislation about the factors the community considers important in deciding whether to grant bail.

It is the view of the government that Mr Stefaniak's bill does not, in the end, solve anything at all. The government is modernising our bail system, upholding a just system, and meeting the community's expectations, and it is doing that in a considered and broad way. The government has not, as Mr Stefaniak has done, picked out a single issue, a single provision, and in a broad brush way created a whole range of consequences that at the end of the day would cause absolute confusion to and difficulty for police, the courts and the DPP, and seriously undermine those notions particularly in relation to indictable offences and what does or does not constitute an offensive weapon.

Mr Stefaniak is intent on simply ratcheting the implications of the broad brush, general definition of "offensive weapon" out of the Crimes Act and placing it into the Bail Act. Law making is not as simple as that. Moving or simply transferring the definition of "offensive weapons" from the Crimes Act to the Bail Act would have a most radical knock-on effect in relation to the implications for the granting or not granting of bail. We would end up with a circumstance where almost not a single person coming before the court in relation to a property offence, carrying a mobile phone or some other item of personal apparel, would necessarily be granted bail or the presumption in favour of bail if Mr Stefaniak's bill were successful. The government will oppose the bill.

MS TUCKER (5.54): The Greens will not be supporting this bill in principle as the overall approach and the overall changes are not in line with the balanced approach to bail in which we believe, although I have some sympathy for at least considering the part of the bill creating a presumption against bail for the offence of murder. This comes from the Law Reform Commission's recommendations.

Victims of crime do feel at times victimised again by the courts. Only a small proportion of the victims of crime feel that the courts have dealt with them well. I understand from the government's response to the commission's report that the government will be introducing a similar change but in a broader bill, so we will consider this matter again in that context.

In the last debate in the place on bail laws, which was in the last Assembly, I raised a number of questions about the basis for what was proposed by the then Liberal government, which was being supported by Labor in opposition. I asked whether we knew why reoffending was happening. Another way of asking the same question is: why are we making incorrect decisions on particular cases?

Over the past decade and a half, the Australian Institute of Criminology have sponsored a number of conferences and other studies asking this question and related questions on bail decisions. In 1988, the then police chief for the ACT complained that, in the absence of a bail ordinance which was due to come in the following year, decisions on bail were generally in favour of bail. He presented four case studies of offenders, burglars and car thieves who had reoffended while on bail and were repeatedly granted bail. He believed that this was because, in the absence of an ordinance, the ACT courts were operating under the common law presumption for bail.

Similar opinions of the system have been expressed by police in recent years but, in the absence of the kind of detailed analysis of what happens to particular people in terms of the people who are granted bail and those who are not, information in reviewing that is important for the making of the decision in the first place.

In a study of the South Australian system, which at that time had a high proportion of people on remand and the lowest proportion of people in prison compared with the rest of the country, one of the papers compared the laws in different jurisdictions and concluded that the quality of the information given to the courts as decision makers determines the success of outcomes. Good decisions on bail would be understood as people on bail not reoffending, turning up for their court date and not too many people who were remanded in custody later being found innocent.

The last problem is the one that much of the balance in our justice system seeks to deal with. It is better to have a guilty person go free than an innocent person being unjustly imprisoned. The author referred to an experiment in New York in the early 1960s in which there was an emphasis on ensuring courts were provided with comprehensive and verified information on defendants who would be good bail risks. The author lamented the paucity of studies in New Zealand and Australia.

A paper on crime prevention devoted to an objective system for bail suggested an actuarial approach to risk. That, I believe, would only work in terms of justice in the community in combination with well-researched support programs for people on bail.

As the Chief Minister said, this is not a simple issue and we are not prepared to support this approach, but we will look at the government's approach.

MR PRATT (5.58): Mr Speaker, I rise to support Mr Stefaniak's proposed legislation. What is particularly grasping here for me is that the ACT Law Reform Commission has put together a viable piece of legislation. I find it peculiar that they are being ignored. Their proposal clearly means that there will be a presumption against bail for serious crimes, particularly murder, crimes involving a weapon, armed robbery, nasty assaults and serious drug offences. These crimes would seem to me to be absolutely the right sorts of crimes for which people should be denied bail and I cannot fathom what is the problem in this place this afternoon.

Mr Speaker, I am concerned that the current bail laws, which provide a revolving door for people to go into and out of courts, remand centres and police stations, place a great burden on the police. I am mystified as to how the Chief Minister can talk about Mr Stefaniak's proposed legislation being tougher on police and increasing the burden on police, which is what he just said. Surely the opposite is true. If people who are known to be repeat offenders or are known to intimidate other people are wandering in and being bailed out whilst under investigation or on charge, there is a problem for the police.

The other point is that when the police see people being bailed simply for the sake of bailing it affects their morale. It affects their attitude to the way that society is dealing with crime. It affects the way that police look upon the courts. That all adds to the burden that police carry in terms of their morale and their ability to do their job effectively. If repeat offenders know that they are going to be bailed because we have a climate in the ACT where bail is automatic, they will not be too frightened to offend again. I would think that this would mean that we have a climate in which we do not have a deterrence factor.

This afternoon, I have heard people talk about civil liberties, which is fine as civil liberties underpin our democracy, but I have begun to think that civil liberties predominate in the minds of those opposite and perhaps even the crossbenchers when it comes to how the community seriously faces up to its responsibilities to head off crime. If those people are more concerned about the civil liberties of alleged offenders than about the victims of serious crime, they should go and talk to victims of serious crime who have to face up to repeat offenders who are granted bail and then go back out into the community and intimidate their victims or intimidate people who witnessed their crime. Where is the compassion for the victim? We are having plenty of compassion being expressed here for repeat offenders and alleged offenders, but where is the compassion from those opposite to the victims?

Mr Speaker, it is the view of the opposition that, by rejecting Mr Stefaniak's legislation, the government is going soft on crime. Again I ask: why are people in this place ignoring the ACT Law Reform Commission, which has, in a rather solid and professional form, put down a watertight and very fair system which underpins this proposed legislation? People here need to be held accountable as to why they are not taking note of such professional and respected advice.

Mr Speaker, I support Mr Stefaniak's legislation and I hope for the sake of the community's safety that this place will support that legislation.

MR STEFANIAK (6.03), in reply: Let me address a basic furphy that the Chief Minister is propagating in relation to offensive weapons. It is quite clear that he has not read the explanatory statement. He has actually questioned the ability of the legislative draftsmen, who have done an excellent job here in replicating exactly what is intended by the Law Reform Commission in relation to section 8 of the act. I am not going to read it all out, but on page 2 of the explanatory statement I list exactly what the commission recommends, including what it means by an offence committed by an accused person in relation to using a weapon capable of causing death or serious injury or a replica.

Page 4 of the explanatory statement prepared for me by our excellent legislative draftsmen states, so as best to describe the nature of these offences, see the Law Reform Commission's proposed section 8 (3), which is what I have referred to as indicating exactly what is meant by "offensive weapon" and it is in line with the existing provisions of the Crimes Act for armed robbery, section 92, and aggravated burglary, section 94. The explanatory statement says that these provisions do not rely on the definition of "offensive weapon" in the dictionary to the act. That is what Mr Stanhope refers to. In my explanatory memorandum I list and then state what "offensive weapon" is described as.

Mr Stanhope needs to read what goes before that in relation to armed robbery and aggravated burglary. He also needs to read what goes before that on page 4 and refer back to the exact wording from the Law Reform Commission. It is arrant nonsense for Mr Stanhope to go off on an absolute tangent and say that this provision is going to cause the police a lot of trouble and everyone is going to get locked up. What absolute nonsense! This amendment of mine, through competent drafting by a very competent part of the government in the Parliamentary Counsel, has faithfully replicated the intention of the Law Reform Commission.

On that score, that is where someone actually uses or threatens to use violence with a weapon capable of causing death or serious injury. The commission had in mind there serious offences like armed robbery, nasty assaults like malicious wounding where people are wounded with a weapon, attempted murder and things like that, as well as aggravated burglary, which was something I put in the legislation in 1994.

Mr Stanhope still has the same hang-up about and misconception of the term "offensive weapon" as he had when we had the debate which put in that more general section on offensive weapons in early 2001. I think he or whoever did it for him really needs to go through it a lot more carefully than has been done because that is just straight misinformation. It is typical of him when we have law and order debates or debates on anything to do with these types of issues to go off on a tangent, see if he can pick some fault, real or imaginary, and hone in on that. He is quite wrong there.

I have, rightly, given Mr Stanhope a bit of a bollocking there, but I will agree with him on one point: yes, this bill is actually a single issue bill, but it goes further than he is proposing. I will give him some credit for proposing to go part of the way, but he is not proposing to go as far as the Law Reform Commission suggested that this Assembly should and introduce exactly what I have introduced here, which would simply reverse the current presumption in favour of bail for the crimes of treason or murder and for very

serious crimes involving a serious weapon, such as armed robbery, malicious wounding and anything particularly nasty like that, which would include rape.

Mr Stanhope said nothing at all in relation to the recommendations for protection or restraining orders; he was silent on those. They would also be picked up here as per the Law Reform Commission's recommendation, as would the offence of trafficking in a commercial quantity of a drug of dependence or conspiring to commit such an offence. In other words, the bill is reversing the presumption for bail in relation to the crime of murder, serious violent offences like armed robbery, aggravated burglary, malicious wounding and rape where a weapon is involved, serious domestic violence matters where there is real fear and serious drug offence matters.

The community is crying out for this bill, Mr Speaker. I do not think the community wants Mr Stanhope just to go part way. By all means, let us look at his big package when it comes in. There might be some good points there and there might be some points which are not so good, but this bill is something that the community wants now.

If this billis passed by this Assembly—it does not look like it will be—it may well save lives. In my tabling speech I gave the example of someone in Sydney being charged recently with murder, being bailed and going out and committing another murder. This bill is something that would stop that. Someone who malicious wounds or does an armed robbery and who otherwise would be granted bail because of the automatic presumption in favour of bail would have much more trouble because the presumption would be reversed.

To answer Ms Dundas and Ms Tucker, this bill does not in any way stop a court from granting bail if the circumstances of the case are strong enough to indicate that that should occur. It merely means that a court starts from the premise that instead of having a presumption in favour of bail, which they feel they should give unless there is very strong evidence the other way and which is the way it pans out in reality, there is a presumption against bail.

The bill is hardly draconian. If I wanted to be tough on crime and do a real law and order thing on this one, I could. I make no bones about the fact that I believe that we should be tough on crime. I make no bones about the fact that I have some legislation before this house which would be tough on crime. It is legislation that certainly 83 per cent of the population and possibly 95 per cent want, that is, my bill on sentencing. Yes, it is getting tough on crime, a la New South Wales.

This bill does not go anywhere near as far as New South Wales is going. This bill is in accordance with what our Law Reform Commission wanted. I think it would be handy to read out for members the composition of the Law Reform Commission, which did a lot of work on this subject. Its members are Justice Ken Crispin, who is now the president of the ACT Court of Appeal, Mary-Ellen Barry, Professor John Braithwaite, Lisbeth Campbell, who is now a magistrate, Professor Richard Campbell, Peter Hohnen, a learned practitioner, David Hughes, Jennifer Kitchin, Ian Nicholl, a practitioner, Philip Walker, a practitioner, and Professor Charles Rowland.

I do not think any of them are rednecks. They are from a wide cross-section of the community. They, after a lot of learned deliberation, came up with this package and

suggested in their report that they want it to happen. Far from its being a problem for police, prosecutors and the judiciary, they want it. The police want it, the prosecution certainly want it and the judges and magistrates want it.

I have stood in this place before and criticised our courts, and I will do it again, if I think that they are soft on crime, but I am not going to do so in this instance because I have heard virtually every magistrate say at some time over the last year, “I had to grant bail because there is a presumption in favour of bail. I didn’t particularly want to do it, but there is that presumption.” I have heard Justice Crispin say it. I think I have heard Justice Gray say it. Perhaps Justice Connolly has not been there long enough. They have said that in a number of instances and it is on the public record for anyone to see.

It is little wonder that even members of the judiciary—on this panel there is a magistrate and there is the president of the Court of Appeal of the Australian Capital Territory—want to see it occur. I think that that is a pretty powerful argument indeed. Yes, it is one single issue. Yes, the Chief Minister will be bringing in a suite of reforms, some of which, from his issues paper, seem quite good; there are some others there that I will probably need to look at more closely. But that is no reason for not supporting this eminently sensible piece of legislation which the Law Reform Commission has called for and which the community is very much crying out for and the courts themselves want to see introduced. Mr Stanhope’s mobile phone analogy was absolute rubbish, certainly in relation to this piece of legislation. It probably was even when we had the debate in 2001.

Ms Dundas said that the Democrats would not support the bill. She mentioned a number of civil liberties arguments. She said that the courts should have the right to decide. I have answered that by saying that the courts are actually supportive of this idea and think that it is a good one. She said that the courts are doing their best at this point in time. I do not think I could possibly agree with Ms Dundas in terms of sentencing, but bail reform in this territory over the last two or three years has been the subject of a lot of very solid impact from the courts.

Statements made by the former Chief Justice, Jeffrey Miles, and the Chief Magistrate, Ron Cahill, were immensely helpful to me as Attorney-General in bringing in section 9A and then in doing a bit of a tidy-up three months later, in August 2001, and I pay tribute to those two gentlemen for the fact that they were at the centre of permanent improvements there. Indeed, as I mentioned, members of the judiciary are very much behind the genesis of what we have before us now.

I will not comment on the valiant effort made by Mr Quinlan while waiting for his learned leader to come on down, although even his government is going to reverse the presumption in favour of bail for murderers when it finally gets around to doing something about it. I suspect that a significant element of the government’s approach is that it is saying, “We cannot let the opposition get the jump on us on something. Let’s make up some excuses, have a go at it and slag off in some way because we are going to have a much more comprehensive package.”

That is a hoary old one indeed. I have heard that one before. That is probably the real reason for the government’s opposition to this bill. It is not a matter of saying that there might be a little less efficiency if they do not introduce it or that it might cost the

taxpayers more, but it is not necessarily a life and death situation. This is a very important issue for our community. People in our community have been seriously injured or, indeed, killed by other people who should have been refused bail.

It was most unfortunate in the first place—I think it was in 1992, but Ms Tucker said 1998—that the Bail Act which we have been in the process of amending for a few years was introduced in the way it was introduced. There are some serious problems with it, having an automatic presumption in favour of bail for any offence. That just flies in the face of common sense and reason. I hate to think how many people have been injured as a result. I do not know whether anyone has actually been killed, but I hate to think how many people have been needlessly injured and traumatised and how many businesses have been robbed.

I suspect that there have been a few people killed as the provision has been in existence for a long time. But how many people have been injured? How many police officers have had their heads punched in unnecessarily or been put to extra trouble just to go and get criminals who should have been remanded in custody but have got out through, effectively, the revolving door situation that the 1992 act has brought about? How many witnesses might have been affected?

Mr Pratt: Witness support.

MR STEFANIAK: Yes, how many witnesses have had to be supported? How many people have been injured and traumatised in our community? An absolute waste of money, police time and effort and court time and effort have occurred because of the misguided presumption in favour of bail for everything that a previous Labor government brought in. In terms of that, they should be ashamed of themselves.

Rather than making ridiculous, pathetic excuses for not backing sensible legislation like this bill, which faithfully reflects what the Law Reform Commission recommended and which has been faithfully drafted in that regard by very competent draftsmen, I would have hoped that the government would have been gracious enough to at least give this one a tick. To use the words of my friend Mr Pratt, maybe the government is too soft on crime to back something as sensible as my sentencing bill, but this bill is different. It meets the wishes of a plethora of reasonable people on all sides of the spectrum who form the Law Reform Commission and complements to a large extent what the Chief Minister will be bringing in. The bill actually provides the teeth for it, which is the most important part of it, certainly as far as the community is concerned, but the government goes off on a tangent and makes a spurious attack which is just plain wrong and tries to pooh-pooh the rest of it.

I reject Mr Stanhope's claims about the bill placing unfair burdens on people. This bill is something which some very learned people put together. I did not, nor did the drafters; we are just replicating something that they came up with after much deliberation. I think that it is a great shame that the majority of this Assembly is not going to support the bill today. In so doing, members really are failing in one of the most fundamental duties they have to the territory, that is, to do their best to try to protect the security of our citizens. For whatever reason they are giving, most of it incredibly misguided, they are just missing the point totally.

I commend the bill to the Assembly, I note that it is going to go down. I think that that is a real shame.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mr Cornwell		Mr Corbell	Mr Stanhope
Mrs Cross		Ms Dundas	Ms Tucker
Mrs Dunne		Ms Gallagher	Mr Wood
Mr Pratt		Mr Hargreaves	

Question so resolved in the negative.

Adjournment

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

> That the Assembly do now adjourn.

Homosexual couples—adoption rights

MRS DUNNE (6.22): Last Sunday, about 1,600 people gathered in the rain outside this place to make clear their opposition to this government's proposal to introduce legislation in the ACT on adoption rights for homosexual couples. At that rally, Mr Stefaniak made clear that the ACT Liberals would oppose this legislation and, if it were passed, would seek to repeal it if the opportunity arose in the future.

This proposition is based on the view that a child who does not have both a father and a mother faces significant disadvantage and this disadvantage is not something that we should deliberately impose on adopted children. Such children face enough difficulties already. We are strongly of the view that adoption is primarily about satisfying the needs of the child, not gratifying the desires of would-be parents.

I do not think that this is an exclusively Christian issue; most of the community would agree. This evening, however, I want to clarify a point about this position. I have been asked whether, if we think a child should have both a father and a mother, it means that we are critical of single parents. Let me say that I have the greatest admiration for anyone who has to bring up a family alone, not only without anyone to share the workload with, but also without the support of a partner who is able to offer encouragement, a sympathetic ear and a shoulder to cry on—and someone to laugh with during the good times.

The reason that I admire single parents is the recognition that they are doing it tough. They are doing a hard job in circumstances which are made even harder. The great majority of them are not in this situation of free choice. Few of them would describe the situation as ideal. Recognising their difficulties is not a condemnation, Mr Speaker.

Although I think that in an ideal world all children should have a father and a mother, this does not lessen my admiration for parents who do a great job despite facing huge difficulties. I certainly do not begrudge them the modest assistance that is given by the government. But we should not let the fact that heroic individuals, often at great personal cost, do a great job of parenting alone lead us to conclude that one parent or one gender role model is enough.

Ms Karin MacDonald—sick leave

MS MacDONALD (6.24): As you all know, I was absent for the last sitting and have been on sick leave for the last six weeks. I rise this evening to thank a few people after my operation and illness. I want particularly to thank Dr Anne Sneddon, who undertook my operation. I believe that she did a superlative job. Also, fantastic work was done by the nurses and staff at the Canberra Hospital.

I want to thank members and staff of this place for their kind inquiries. A couple of days after the operation I was given a very large card with the signatures of a number of people wishing me well and I was looking through it and asking myself, “Who are all these people?” I did not know who they were, but I think that was an effect of the anaesthetic in my system, Mr Speaker.

I also want to thank Alys Graham and Lisa Brill in my office for keeping the place running while I was away. I note that, while I was away, there was a censure motion in this place. I think that it was the first censure motion since my election and, of course, I missed it, but I am sure that there will be others that I will get to sit through at some point.

I would like to congratulate the new clerk, Tom Duncan, on his appointment to the position. He is no longer acting but is now for real, not that he was not for real before. Congratulations to you, Tom.

Finally, my thanks to my husband and friends for their support and to the many people who sent flowers, gifts and cards. They were much appreciated. At one stage, I felt like I was putting everybody else in the hospital to shame with the number of flowers in my room. Thank you for the support.

Homosexual couples—adoption rights
Week without violence

MS DUNDAS (6.26): I want to have a quick discussion about one of the number of weeks that we are currently celebrating, but first I would like to respond to Mrs Dunne’s comments in this adjournment debate. I too attended the rally on the weekend to hear what the Australian Christian Lobby had to say about same sex parents and I was quite disappointed by what I believe to be the mistruths that they were perpetuating.

I have a question for Liberal Party members in this place. Whilst they support single parents, do they support single gay parents, because there are out there a number of single lesbian mothers and single homosexual dads who are raising kids and what they are asking for with this legislation is to share the bringing up of their children with their partners?

I believe that if there are two parents of the same sex who want to adopt, they should be given that opportunity. At the moment, single people have the right to apply for adoption, but we are creating a second class of citizens by allowing discrimination to exist in our legislation. I hope that this Assembly will move to fix that as soon as possible.

I wanted to speak in this adjournment debate today because we have already had quite a number of debates today about criminal activity and how we deal with it and I would like to bring to the attention of members that we are currently in Week Without Violence, a week promoted by the YWCA not only in Australia but round the world under the slogan, "Imagine a week of open minds, not closed fists, and let's make that a reality." I think that that is a very important goal that we should be working to achieve.

Every year, over 1.6 million people lose their lives to violence, around 30,769 every week, and every day 849 people are killed as a result of armed conflict, about 35 people every hour. Every day, 1,424 people are killed in acts of interpersonal violence, almost one every minute. Every day, 2,233 people commit suicide, around one every 40 seconds. I have already been speaking for 2½ minutes and I want members to think about how many people have died unnecessarily in that time.

For every person who dies as a result of violence, many millions more are injured and suffer from a range of physical and mental health problems. Violence costs countries billions of dollars every year in health care, law enforcement and lost productivity, yet violence is preventable. The YWCA and other organisations have shown that we can overcome violence in our homes, communities and workplaces. Week Without Violence is a week that we should all be supporting and trying to achieve in our everyday lives.

I would like to remind members that next Friday—31 October—we will again see Reclaim the Night celebrations, usually part of Week Without Violence. It is a night about how women want to feel safe in our public spaces and how they need to come together in a group to remind the community that they are not always safe in this community, that they do suffer from rape and other acts of violence.

Whilst we have had various solutions put forward in debate today about how this situation can be fixed, I think that it is really about how we consider each other as human beings, how we respect each other as human beings and how we carry out our own actions, recognising that there are no second-class citizens in our community. Treating everybody fairly and equally is a very important step to removing violence and this kind of criminal activity from our community.

I urge everybody to support the YWCA activities of Week Without Violence—more information can be found on them on the World Wide Web at weekwithoutviolence.ywca.org.au—and to support the women who are going to organise

Reclaim the Night events next Friday. I hope to see many members of this Assembly and the community at the Reclaim the Night events as an ongoing part of trying to remove crime and violence in our community.

Question resolved in the affirmative.

The Assembly adjourned at 6.31 pm.