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Wednesday, 26 November 2003

GMO (Environment Protection) Bill 2003 4631
Financial Management Amendment Bill 2003 (No 3) 4637
WorkCover..4639
Currong apartments...4651
Visitors..4665
Ministerial arrangements 4665
Questions without notice:
    Australia Day in the National Capital Inc 4665
    Draft water strategy 4667
    Australia Day in the National Capital Inc 4669
    Draft water strategy 4673
    Civic Square 4675
    National training awards 4677
    Ministerial code of good conduct...4678
    HIV infections 4679
    Small business 4680
    Draft water strategy 4681
    Union officials—rights 4682
Supplementary answers to questions without notice:
    Draft water strategy 4683
    Workplace safety 4683
Paper 4684
Personal explanations..4684
Currong apartments...4685
Fire, Emergency Services and Ambulance Authorities Bill 2003 4687
Cyprus 4704
Concession scheme on property rates for people on low
    incomes...4717
Sentencing Reform Amendment Bill 2003 4722
Plastic bags..4756
Adjournment:
    Falun Gong 4774
    Australia Day in the National Capital Inc 4774
    Australian International Hotel School...4775
    Playground equipment..4775
    School water tank 4776
    Members—attitudes 4776
    Ramadan 4777
    Australia Day in the National Capital Inc 4777
    Social problems 4779
    Australia Day in the National Capital Inc 4780

Wednesday, 26 November 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.

GMO (Environment Protection) Bill 2003

Ms Tucker, pursuant to notice, presented the bill.

Title read by clerk.

MS TUCKER (10.32): I move:

> That this bill be agreed to in principle.

I have introduced this bill because it is not possible to amend the ACT Gene Technology Bill to accommodate our concerns regarding its failure to properly take into account potential liability, economic and social costs, and the primacy of environmental protection and still be able to have the act, as passed, recognised as corresponding state law. Under the principles of the Commonwealth-state legislation it is, however, possible to designate areas of the territory as non-GM areas for the purposes of marketing.

This bill would impose a blanket ban on the environmental release of GM organisms, as that is the only way at this stage that we can ensure any of the territory could remain GM free and slow down the process of GM crop development until we know a little more about the environmental impact. This debate, in essence, is about the application of the precautionary principle to the development, commercial exploitation and environmental release of genetically modified organisms.

I trust that no-one here would dispute that we have a responsibility to protect and preserve the planet and the health and biodiversity of life upon it. It is from this awareness that the precautionary principle has emerged. But the precautionary principle and how it is being applied is not simply the one thing in law round the world. This complexity was recognised last week at a conference on the precautionary principle in Australian law at the Australian Centre for Environmental Law in Canberra. The following is an extract from the conference brochure:

> In 1993, Justice Stein's seminal Leatch decision began the process of recognition and acceptance of the principle in Australian law. Subsequently, the principle has been specifically incorporated, both directly and indirectly, into a number of Australian environmental statutes.
>
> While it must be recognised that there is considerable divergence of opinion about the precautionary principle, it continues to have the potential to become a central feature of Australian environmental law and policy.

While the government, for example, may refer to the Rio declaration on environment and development as an example of a cost-effective notion of the precautionary principle, as is incorporated in the Gene Technology Bill, we can see that a legal and scientific understanding of how the principle should be applied is not universally agreed on.

Indeed, Professor Jan McDonald from Griffith University, who spoke at the conference in Canberra, has questioned the usual construction of the principle, arguing that it would be better to articulate a principle that is positive and so is about accepting responsibility for the environment and any impact upon it, rather than simply ruling out the postponement of measures to prevent environmental harm.

Professor McDonald identifies as a real problem putting the decision making into the hands of science and expressly excluding consideration of economic and social costs, as this bill does. We ought not to locate true knowledge in science alone and exclude cultural concerns as illegitimate, given that we do not know what the implications will be of such far-reaching decisions as will be made by the Gene Technology Regulator. As members would be well aware, very strong arguments are being put within the scientific community that even science is not being brought into this decision making process in the way that it should and that much of the science is actually controlled by the industry that will profit from it.

In this context it is interesting to look at the Wingspread Statement on the Precautionary Principle. It was drafted by an international group of scientists, government officials, lawyers and grassroots activists at Wingspread, Wisconsin, USA, in 1998 and was later endorsed by the United Nations Environment Program's governing council and has been adopted into many international environmental laws.

The group started from a position critical of risk assessment and cost-benefit analysis that gave the benefit of the doubt to new products and technologies which may later prove harmful and instead recommended preventative action when there is "reasonable concern" that human activity will harm the environment and threaten people and wildlife; in other words, shifting the burden of proof, insisting that those responsible for an activity must vouch for its harmlessness and be held responsible if damage occurs.

The Wingspread Statement on the Precautionary Principle reads:

> The release and use of toxic substances, resource exploitation, and physical alterations of the environment have had substantial unintended consequences on human health and the environment. Some of these concerns are high rates of learning deficiencies, asthma, cancer, birth defects and species extinctions; along with global climate change, stratospheric ozone depletion; and worldwide contamination with toxic substances and nuclear materials.
>
> We believe existing environmental regulations and other decisions, particularly those based on risk assessment, have failed to adequately protect human health and the environment, as well as the larger system of which humans are but a part.
>
> We believe there is compelling evidence that damage to humans and the worldwide environment is of such magnitude and seriousness that new principles for conducting human activities are necessary.

> While we realise that human activities may involve hazards, people must proceed more carefully than has been the case in recent history. Corporations, government entities, organisations, communities, scientists and other individuals must adopt a precautionary approach to all human endeavours.
>
> Therefore it is necessary to implement the Precautionary Principle: Where an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.
>
> In this context the proponent of an activity rather than the public bears the burden of proof.
>
> The process of applying the Precautionary Principle must be open, informed and democratic, and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action.

The Greens, along with many farming and environmental protection and community-based organisations, simplify the principle further to argue that industry should always prove a substance is harmless before releasing it into the environment. Scientific doubt must be taken into account. In fact, it is self-evident that once released, intentionally or not, self-replicating GMOs offer no possibility of recall; so the question of due care, of being safe rather than sorry, is particularly important.

It is evident, and becoming more evident as the days go by, that the processes and procedures that govern the use of these organisms are not safe. I will outline just a few examples to make the point that, until there is significantly more assurance of both the control of organisms when being tested and of the impact of such organisms when they are intentionally released into the environment, we have a duty to ensure that research is conducted in strictly controlled environments. I will then remind the Assembly of some of the other factors that are driving these decisions and that provide the context for this debate.

The results of farm scale trials that studied the environmental impact of GM crops in the UK were released in October. This is important to this debate because even larger farm scale trials are being permitted in New South Wales, despite the three-year moratorium on more general commercial release. One of those UK government funded studies, led by Mike Wilkinson of Reading University, came to the conclusion that cross-pollination between GM plants and their wild relatives is inevitable and could create hybrid superweeds resistant to the most powerful weedkillers.

It had previously been suggested that the danger of hybridisation—where two types of plant cross-pollinate to create another, for example, a superweed—was limited, but the results of this research, which included satellite image analysis and close examination of river banks, revealed that hybridisation was more widespread and frequent than anticipated. The fear is that superweeds could absorb resistance to weedkillers from GM crops engineered to be herbicide-tolerant.

Mike Wilkinson was quoted in the *Independent* of 10 October as having said that physical barriers such as buffer zones designed to stop pollen spreading from GM crops have only a limited impact. The article said:

> This [study] shows that isolation distances will reduce hybrid numbers but not prevent hybridisation…[it] is more or less inevitable in the UK context.

While the study concentrated on non-GM canola and assessed how easily it cross-bred with near relatives in the wild, Dr Wilkinson said that the conclusions applied to any flow of genes that could be expected from the GM varieties of oilseed rape that were undergoing farm scale trials. Dr Wilkinson is not advocating an indefinite ban on GM organisms and, as a result of this research work, he has raised the possibility of making male GM plants sterile so that they do not produce pollen. But he does make the point that much more research needs to be done. Dr Wilkinson said:

> One of the main reasons for doing the work is that this sort of data represents a starting point for us to do predictive modelling, to predict how particular different sorts of genes will behave across the country.
>
> It's important to know how many hybrids to expect, to know how efficient it has to be to prevent hybrids. The key question is whether the gene that they contain is going to cause a change [to the countryside] or not.

In that context, if we want to be better safe than sorry, the research needs to be conducted with safe crops, such as the non-GM canola used in this case, to give us the vital information we need before we allow the environmental release of GM organisms of any kind.

Other UK research, under the banner of "Consequences for agriculture of the introduction of genetically modified crops", released at the same time further highlights the problems we will face in Australia if we do not change our approach. For example, scientists at the Central Science Laboratory in England found that GM oilseed rape, or canola, had cross-pollinated with non-GM oilseed rape plants more than 16 miles away.

A second study by the Scottish Crop Research Institute found that if farmers grew GM oilseed rape for one season it would take 16 years for contamination by wild GM plants produced by seed from the first planting to fall to below one per cent contamination. It is worth pointing out that even at one per cent the contamination would be sufficient not to allow farmers to sell their crops as GM-free or organic, qualities that demand less than 0.9 per cent and 0.1 per cent contamination respectively.

Given the fact that the Gene Technology Bill makes specific provision for states, for the purposes of marketing, to protect the integrity of areas of non-GM crops, the results of this research are particularly worrying and emphasise the need to guarantee against any environmental release until we know a lot more about what we are doing. According to reports in the UK *Daily Telegraph* of 14 October on these two trials, stringent rules for trials of genetically modified crops are now likely to be imposed there. I am interested in learning how stringent those rules will be, because it is our failure to put safety first that has led to this debate.

In the ACT, the Minister for Health has proposed a three-year moratorium on the commercial release of GM crops, echoing the New South Wales government's approach, an approach which sees the New South Wales government now considering a proposal for a 5,000-hectare trial of genetically modified canola, despite the fact that one of the

applicants, Bayer Crop Science, has breached its licence conditions at a much smaller trial site near Wagga. New South Wales Greens MLC Ian Cohen has pointed out that the contamination by GM canola in a trial plot of adjoining wheat paddocks has confirmed non-GM farmers' greatest fears. I quote:

> Bayer has clearly breached its exemption order and failed to contain a trial GM crop less than a hectare in size. It is now seeking another exemption order to conduct a hundred further trials, each 50 hectares in size. This would be an outrageous risk and cannot be approved.
>
> This breach by Bayer is embarrassing for the Agriculture Minister and the Premier as both have supported the need for ongoing trials of GM crops and played down the risks of cross-contamination.
>
> Mr Cohen said the breach, the first under a three-year moratorium on commercial GM crops in NSW, dispels any doubts about contamination of non-GM crops.
>
> Farmers are at risk. Their livelihoods are at stake and export markets are under threat. The government simply cannot continue to ignore contamination of non-GM crops by GM organisms.
>
> Mr Cohen said there should be no further trials of GM crops. "The biotech companies have conducted trials in the past and already have enough research data to evaluate and report on the risks involved with GM crops."
>
> "This information must be made public so that any future proposals to release GM crops are carefully, and openly, considered."
>
> "If approved this [proposed] 'trial' would make a mockery of the three-year moratorium now in place. A 5,000-hectare trial is far too large to be anything other than a commercial crop."

The notion that it is possible to trial a crop in open country, when the impact or interaction of the organism on the environment and on the community is unknown, is a fallacy. The better-safe-than-sorry principle means that we must ensure that environmental release, intentional or otherwise, does not occur.

It is important to articulate in this debate a little of what we might be sorry about if we are not prepared to take a stronger line. The point is that there is no structure set up by this regime to protect organic and non-GM farmers from the economic impact on them if GMOs which are released do cross-fertilise with their products.

Economic impact, if you recall, is specifically excluded from consideration by the regulator and there is no insurance to cover farmers, organic or otherwise, if they need to deal with superweeds that are resistant to usual herbicides and require considerably greater expense to manage. There might be economic benefits to the businesses that provide the seeds and chemicals that have been developed so effectively to depend on each other, but there can be no assurance that local farmers and local industries will not end up with higher costs. The deconstruction of rural and regional communities through the application of changed agricultural economics is an old story around Australia and around the world. The introduction of new, tightly controlled crops and associated chemicals is likely to accentuate this process.

The most interesting questions start to arise when you put this research together with the trends in international trade. How feasible will it be for any communities in the world to protect their environment, their agricultural practice, their cultural preference in food? Some of these questions will be answered when the WTO makes its unchallengeable, undemocratic decision on the US dispute with Europe on exactly these matters. But in Australia we seem keen to head down the GM path before these issues have been explored.

Professor McDonald from Griffith University has expertise in the area of WTO agreements rather than specifically in GMOs. She has made the point, as have many others, that businesses in this new field are not required to put up a bond as assurance against damage, nor is any insurance required to be taken out in order to protect other farmers, other communities, or the environment and that, interestingly, no insurance companies are prepared to carry the risk, so it is privatise the profit and socialise the risk. The risk is being carried entirely by the community, whereas the profits will come to the private businesses that have developed the seeds, such as Monsanto with its roundup ready canola, a crop that is about to be given approval by the OGTR for commercial release.

In conclusion, given the nature of the legislation and its links with the Commonwealth's Gene Technology Act, it is not practical for us to amend our legislation to ensure a truly precautionary approach is taken in the licensing of the environmental release of genetically modified organisms, that the issues of risk and liability would be properly considered, and that social and economic cost would be considered in the regulatory and licensing process. In these circumstances, given the fact that there can be no assurance that open field trials will not corrupt any potential for organic or non-GM products in the ACT, there is no alternative but to put a ban on the environmental release of all GMOs. The onus is on those enterprises that wish to profit from a technology that may change the balance in our environment to prove the safety of that technology.

We may need to wait another 10 years, possibly only five according to experts, before we have a more profound understanding of the potential impact of this technology, but we have a responsibility to take this time. Surely there is enough evidence for even the most disinterested person to notice that some very serious mistakes have been made in the past and that it is dangerous indeed to play around with ecological balance. Whether it is the greenhouse effect, climate change, ozone depletion, the loss of species due to habitat destruction and the introduction of feral pests, both plant and animal, the destruction of our river systems, salinity or loss of water catchment, a thorough understanding of the implications of the activities which have caused these problems at an early stage could have prevented the damage we all now live with.

Some people like to suggest that such an approach means that we would never do anything. However, I would argue that it would be much better if certain things were never done and that applying the precautionary principle ensures that what appears to be a good thing is actually tested against potential negative outcomes. To proceed with new technology where its economic and social impact is unknown and dismissed and where information on its scientific and biological impact is only now emerging would be both careless and irresponsible.

I commend this bill to the Assembly. An explanatory statement will be tabled in the next sitting week.

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

Financial Management Amendment Bill 2003 (No 3)

Ms Dundas, pursuant to notice, presented the bill and its explanatory statement.

Title read by clerk.

MS DUNDAS (10.53): I move:

> That this bill be agreed to in principle.

Section 18 of the Financial Management Act governs the use of the Treasurer's Advance. The bill I have presented today substantially amends section 18. These amendments are intended to clarify the circumstances in which the Treasurer's Advance may be used by limiting its use to situations where it is not possible to raise an appropriation bill because of the urgency of the required expenditure.

Although the government of the day has the right to draw up a proposed budget, we have appropriation bills because our democratic system is founded on the belief that the parliament is the body that should decide whether to approve the government's overall budget. The government already has substantial discretion to reallocate expenditure within a department or agency. However, if a government finds that it cannot meet spending requirements within an existing appropriation, it can raise supplementary appropriation bills to obtain additional funding.

The current wording of the Financial Management Act does not specify whether the Treasurer's Advance or a supplementary appropriation is the appropriate process to meet expenditure requirements not accounted for in the budget. Presently, where expenditure could not be reasonably foreseen and included in the first appropriation act, the expenditure can be funded using either process.

I believe that the Treasurer's Advance exists to provide emergency funding to cover unanticipated costs where there is insufficient money in the existing appropriation. However, I have gained the impression that treasurers and the Treasury tend to take the view that this money is like a treasurer's discretionary budget, to be spent on anything that pleases them without the imprimatur of the Assembly.

The current practice for the allocation of the Treasurer's Advance is outlined rather entertainingly on page 11 of the Public Accounts Committee report of September 2003 following a review of Auditor-General's Report No 7 of 2002. When members are considering this bill, I would encourage them to go back and look at that report, which was report No 6 of the Public Accounts Committee, to understand the angle from which this bill is coming and the debates that have already gone on about the use of the Treasurer's Advance.

A departmental email obtained by the Public Accounts Committee through freedom of information laws showed that cabinet and public servants desperately looked for something, almost anything, on which to spend the Treasurer's Advance to avoid its going back to consolidated revenue.

In the infamous instance of the $10 million authorised for expenditure on fire safety upgrades in the 2001-02 financial year not a penny was spent on the authorised purpose inside that financial year. Less than $220,000 was spent by 31 October 2002 and only $2 million of the $10 million was spent by July 2003. I understand that even now, two years later, the full amount of money allocated for urgent fire safety upgrades has yet to be expended.

I believe that this practice makes a mockery of the budget process. It goes against the spirit of accountability underpinning the requirement to present appropriation bills to the Assembly for approval. The bill I have tabled today seeks to put an end to the use of the Treasurer's Advance in this unaccountable way.

Although the Treasurer's Advance cannot exceed 1 per cent of the total moneys appropriated by all appropriation acts, this amount is very significant in light of the fact that the overwhelming majority of budget funds are non-discretionary, as they are required to meet fixed costs such as salaries of public sector workers. In this context, almost $21 million is a lot of money and it could be used in lots of different ways. I know that there are members of the community who would willingly put up their hand to expend $21 million in any given year.

As I have said, my amendment requires that the advance may be used only where there is an urgent and unavoidable need to meet an expense inside a financial year and there is no time to prepare and pass a supplementary appropriation bill. If any money from the advance remains unspent at the end of that financial year because it has not been handed over as wages, to contractors or for a capital item, I believe that it must be repaid to the territory banking account so it can be reallocated in the next budget.

My proposed section 18 (1A) (b) brings section 18 of the Financial Management Act closer to a previous version of this section. The previous version was considered in Auditor-General's Report No 11 of 2001 at pages 26 to 30, in discussing potential breaches of the Financial Management Act. Following criticism by the Auditor-General, this government moved an amendment to give itself more flexibility in the use of the advance, rather than taking more care to comply with the act.

The government overcame the problem of establishing whether expenditure could reasonably have been foreseen at the time of passing of any appropriation act by changing the wording of section 18 so that it was only required that the expenditure was not reasonably foreseen at the time of the first appropriation act. Even the government's budget papers tried to downplay the circumstances in which the Treasurer's Advance could be utilised by stating in the glossary that Treasurer's Advance funds were available for expenditure in access of specific appropriations or not specifically provided for by existing appropriations, not mentioning unforeseen or urgent need at all.

My amendments clarify who it is who must have responsibility for knowing what the Treasurer's Advance will be spent on had been reasonably unforeseen at the time the

appropriation bills were tabled. Previous legal advice on this issue has indicated that the condition is not clear and that, to be more effective, the condition needs to specify who is responsible for foreseeing the expenditure. It is currently unclear whether the need for expenditure must not have been reasonably foreseeable by the Treasurer, officers of Treasury, or officers of the agency requesting the funds before the Treasurer's Advance can be used.

My amendment makes it clear that if the Treasurer, the chief executive of a department, the CEO of an authority or a minister had knowledge of the need to meet the expense and they knew it prior to the date of presentation of the last appropriation bill, the Treasurer's Advance should not be used. If any one of these people knew of the need for spending on this item in the current financial year before the tabling of the last appropriation bill, there was an opportunity to get the item into that appropriation bill through the cabinet process.

This bill seeks to improve the accountability of a government in the expenditure of over $20 million of public moneys. I support the continued existence of the Treasurer's Advance because events like the January bushfire show that a government can be required to meet urgent and unavoidable expenses. They may have no real choice but to spend money so quickly that there is no time for the preparation of a supplementary budget. I believe that that is what the Treasurer's Advance should be for—urgent and unforeseen circumstances in which something needs to happen quickly to help the community. This bill makes it clear that these are the types of special circumstances where it is appropriate to use the Treasurer's Advance.

The government has claimed that a lack of clarity in the wording of the Financial Management Act has been responsible for the Auditor-General's criticisms of the use of the Treasurer's Advance. If this bill is passed, the scope for differing interpretations of the meaning of section 18 should be greatly reduced and would see in this place greater accountability for the entire budget process. I commend the bill to the Assembly.

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

WorkCover

MS MacDONALD (11.01): I move:

> That the Assembly:
>
> (1) acknowledges the importance of ACT Workcover in promoting occupational health and safety in the ACT;
>
> (2) congratulates the winners of the 2003 ACT Occupational Health and Safety Awards for their leadership in the field of occupational health and safety; and
>
> (3) recognises the importance their leadership plays in increasing awareness about health and safety practices in ACT work places.

Mr Speaker, I rise today to speak about people who show initiative and set a good example for others. On an average day in the ACT, 19 people are injured in workplace-related accidents. This equates to approximately 95 people a week and almost

5,000 people a year being injured while working. Since self-government in 1989, there have been about 20 workplace fatalities, excluding work-related motor vehicle deaths, with three of them being recorded at workplaces in 2002-03.

While these figures sound high and, I believe, are high, the ACT remains below the Australian average for workplace-related injuries. Data from the fourth comparative performance monitoring report, released in June 2002, revealed that from 1999-2000 to 2000-01 the total number of compensated claims fell by 48—from 3,912 to 3,864. Whilst a decrease is always commendable, I do not think that those numbers are acceptable.

This decrease can be attributed to a number of factors, including increased awareness of occupational health and safety issues and the availability of safer machinery and materials. One contributing factor has been the work done by ACT WorkCover, the government agency working primarily to eliminate death, disease and injury in the workplace.

Since 1989, ACT WorkCover has promoted the importance of occupational health and safety and how best to achieve high standards of occupational health and safety across all industries in the ACT. With about 65 dedicated employees, including the Occupational Health and Safety Commissioner, ACT WorkCover has provided Canberra's 17 industries with information and advice on how to reduce their rate of workplace injury.

ACT WorkCover has worked closely with industry to reduce their rate of injury through a number of educational and enforcement strategies. Initiatives such as a site inspection rating program which measures the effectiveness of the small business health and safety tool kit and OH&S compliance, the creation of Aware Bear, which is a mascot to promote the ABCs of safety for primary school students and the broader community, the implementation of amendments to the Workers Compensation Act 1951 to radically improve workers compensation and rehabilitation, and the consolidation of workers compensation data collection through a high level of insurer and industry training will further assist in achieving the objective of no deaths, injury, disease or damage to property in the ACT due to unsafe work practices.

The WorkCover at work initiative launched under ACT WorkCover's 2002-03 education and information strategy is another important component for achieving ACT WorkCover's vision. The program provides businesses with practical information and advice and involves the use of a mobile centre equipped with publications, information and multimedia displays. I understand that the response from workplaces regarding the mobile centre has been positive, especially from small businesses, with ACT WorkCover staff conducting educational presentations and promoting the small business health and safety tool kit.

This year also saw the launch of the first ACT health and safety month. Held during May, the aim of the month is to raise awareness of workplace health and safety issues by encouraging workers and employers to organise safe activities in their own workplaces and to participate in the many other events and activities held throughout the month. Health and safety month gives workplaces the opportunity to learn from each other and experience at first hand how other businesses implement occupational health and safety innovations. That is important for small businesses which may not have the knowledge

or know-how to go about making their workplaces safe. It gives them practical examples of what they can adopt and adapt to their own businesses.

ACT WorkCover's strategic plan for 2002-04 sets out its approach to improving occupational health and safety in the ACT. The plan identifies how ACT WorkCover will achieve its objectives and visions. ACT WorkCover provides advice and information to hundreds of workplaces yearly and it is through this increased awareness that we hope to see an overall decrease in workplace-related injuries. But higher standards in occupational health and safety cannot be achieved just through education and enforcement. That is why incentives and rewards continue to be a significant component of improving OH&S.

We can see that from the success of the ActSafe program, whereby businesses are awarded points for the safety practices they implement and can win contributions towards their next workers compensation insurance premiums and, of course, there is the great success of the annual occupational health and safety awards. Now in their 13th year, this year's OH&S awards were held on 23 October and were the largest awards ceremony to date. The awards showcased the efforts of dozens of businesses and organisations that have proven that they are leaders in the OH&S field.

With three major aims—to encourage public and private workplaces throughout the ACT to develop and implement initiatives that help achieve a safer work environment; to share learning and help the award winning initiatives find their way into widespread practical application in workplaces; and to publicly highlight significant achievements in workplace health and safety—the OH&S awards provide workplaces with the opportunity to promote the innovations they have implemented and show why they are leaders in their field.

With nine categories this year, the awards covered all industries in the ACT, with businesses and organisations ranging from schools to hospitals, to government departments, to events. I would like to recognise all of those who were nominated, highly commended or lucky enough to win at this year's award ceremony.

The first category—outstanding leadership and contribution to health and safety—was won by ACT Tourism for its innovation concerning the Subaru Rally of Canberra. In the second category—best community safety initiative—the road safety section of Urban Services was highly commended for its commitment to workplace and public safety with the cycle lane awareness campaign. The ACTION Authority won the category with its bus safety education program, which was successfully implemented and accepted by the ACT community.

Three businesses were highly commended and two were joint winners under the best solution for a health and safety risk category. The ACTION Authority for its cylinder sleeve removal tool, Auswest Timbers for chip bin modifications and the Therapeutic Goods Administration for its risk assessment tool were all commended for their original and innovative solutions. The winners—the Canberra Hospital for the Canberra Hospital mobility status chart and Summernats for its fuel management system—also deserve our congratulations for their innovative solutions.

The best OH&S training program category was won by the Oz Help Foundation for its suicide prevention and resilience building program and high commendation went to Bovis Lend Lease for its incident and injury free innovation. Stay Upright Training Techniques won the best workplace health and safety initiative in the small business category for its completion of health and safety tool kit and the Rolfe motor group was commended for its 10 steps to safety management system innovation.

Two government departments were highly commended under the best occupational health and safety management system category—the Department of Disability, Housing and Community Services for the management of cleaning products used in Disability ACT individual accommodation support houses, and the Department of Urban Services for its OH&S management system.

Category 7, the best design group, was won jointly by two organisations—Wanniassa High School for its fixed workshop machinery guarding and emergency stops, and Powdersafe for the Powdersafe contaminated mail isolation system. Both showed great initiative with their designs, which have been recognised as improving health and safety in the workplace. Mr Speaker, I hope that we will not have to experience the Powdersafe system in this place.

Category 8, the best return to work program, was won by CityScape for its return to work initiatives, which were recognised for addressing the nature of an employee's injury and the circumstances of the injured worker's employment. The final category—the best health and safety month initiative—recognised successful events or activities conducted during May. The Australian National University won the category for the best health and safety month initiative. Two organisations received high commendation—the Oz Help Foundation for its response to the Canberra airport hangar collapse and Project Coordination for a health and safety month initiative.

All winners and those who were highly commended deserve recognition and thanks, none more so than the overall 2003 occupational health and safety award winner, Oz Help Foundation. The Oz Help Foundation counsels workers in the construction industry on coping with the stresses of modern life and its activities stem from a spate of suicides that took place among building apprentices a few years ago, which you would know about, Mr Speaker. Since its establishment 15 months ago, the Oz Help program has been teaching resilience and life skills and is already accredited with saving 10 young men from suicide. That is an incredible achievement and I think that all our congratulations and recognition would go to Oz Help's executive director, Keith Todd, and the Oz Help Foundation team.

Mr Speaker, these businesses and organisations should be congratulated not only for their innovations and solutions in relation to occupational health and safety, but also for providing leadership to ACT businesses and organisations and showing how we can all make workplaces healthier and safer. These businesses and the many others that were nominated have set an example that all Canberra businesses and organisations can follow. Their leadership and the implementation of their innovations in other workplaces could further assist in the reduction of workplace-related injuries.

ACT WorkCover recognises the importance of leadership in the OH&S field and has addressed the need to encourage leadership within its strategic plan. WorkCover has

identified that, for the leadership capacity to grow in the ACT, it has to implement four key strategies. WorkCover has shown its commitment to achieving sound leadership by effectively communicating to ensure that there is common understanding of its vision and that people align to its vision; setting clear, unambiguous and challenging targets; visibly supporting people to achieve goals; challenging, motivating, inspiring and energising staff to achieve; spending the time to fully understand clients, technologies and trends; expecting uncertainty and being flexible enough to develop strategies to achieve outcomes; and celebrating breakthroughs and achievements. The OH&S awards are evidence of the celebration of amazing achievements and breakthroughs in the ACT work industry.

Again, those who were recognised at this year's awards have proven that they are worthy leaders in the ACT and, with the implementation of their innovations and solutions in other workplaces, the number of like-minded leaders in the ACT is likely to grow. This year's awards ceremony was the biggest yet but, with the continuation of increased knowledge and acceptance of occupational health and safety practices, I am sure that the 14th OH&S awards will be bigger again.

From 50 years ago, 20 years ago or even five years ago, occupational health and safety practices have improved remarkably in the ACT and across all of Australia. Work cover operates in every state and territory in Australia and, at a national level, the National Occupational Health and Safety Commission—NOHSC—provides information and advice to all governments and industries across Australia. To further highlight its commitment to improving OH&S in Australia, NOHSC developed the national occupational health and safety strategy 2002-12 which was released last May. The strategy aims at achieving Australian workplaces that are free from injury and disease and improving Australia's occupational health and safety performance. NOHSC has set a number of national targets to achieve these aims.

Several areas requiring national action, including OH&S data, OH&S research, national standards, strategic enforcement incentives, compliance support, practical guidance, OH&S awareness and OH&S skills, were also recognised within the strategy as necessary to the success of national targets. Signed by the former Minister for Industrial Relations, Mr Simon Corbell, the strategy embraces the adoption of systematic approaches for prevention by government and industry and looks at improving occupational health and safety standards through intervention, education programs, improved community and industry attention to OH&S and at developing solutions, practical guidance, assessments and regulatory approaches. A regulatory approach such as the Crimes (Industrial Manslaughter) Amendment Bill, which will be debated soon, shows this government's commitment to improving OH&S in the ACT.

In conclusion, I ask the Assembly to acknowledge ACT WorkCover for its dedication to promoting occupational health and safety in the ACT and also to give hearty congratulations to all the winners and all the highly commended ones in this year's OH&S awards. Their leadership practices ensure the continuation of high occupational health and safety standards across all industries in the ACT.

MS TUCKER (11.16): I commend Ms MacDonald's motion which recognises the important role of ACT WorkCover in providing advice and support to improve workplace health and safety throughout the ACT. Also I congratulate the winners of the

2003 ACT OH&S awards and also recognise that they do have an important role in improving the standards of workplace safety in the ACT.

I would also like to recognise that ACT WorkCover inspectors have a critical role in developing compliance with OH&S legislation within workplaces, including construction sites, offices and industrial sites. They provide support, information and advice on workplace health and safety and they also have a critical role in investigating employee complaints, workplace incidents and other dangerous incidents. I have consistently heard from contacts that the work of the inspectors is valuable and critical. However, I understand that the improvement in compliance with the legislation would be significant with the increase of a few more inspectors.

I have therefore circulated an amendment to Ms MacDonald's motion to call on the government to seriously consider increasing the number of inspectors in ACT WorkCover to improve compliance with the relative legislation. Basically my amendment asks the government to investigate increasing the number of inspectors employed by ACT WorkCover to ensure greater compliance with the relevant legislation in the ACT and to improve effective communication of the legislation to the ACT stakeholders and to report back to the Assembly on this investigation.

My concern about inspectors is not about questioning their competence—more that there are not enough of them to spend time at sites to develop more awareness around workplace safety. It is a shame to have these inspectors doing important work to improve workplace health and safety and yet be understaffed and underresourced.

I move:

> Insert
>
> (4) calls on the Government
>
> (a) to investigate increasing the number of inspectors employed by ACT Workcover to ensure greater compliance with the relevant legislation in the ACT and to improve effective communication of the legislation to the ACT stakeholders; and
>
> (b) to report back to the Assembly on this investigation.".

I have just spoken to that amendment.

The legislation that ACT WorkCover administers is reasonably comprehensive, and there has been an active review over the years. But the legislation is only as good as enforcement and compliance, and this requires resources and attention. We can go down the self-compliance path, but the evidence simply is not there to convince me that this is an effective way to improve compliance. So the other option is to increase education and awareness of OH&S by increasing the time that inspectors spend in workplaces.

Last week we talked about casualisation of the workforce. Another consequence of increased casual staff in workplaces is difficulty in maintaining and learning about safe workplace practices.

There are also other quite disturbing developments. I noticed in the paper on the weekend an advertisement for a bricklayer's assistant stating that the person would be hired only if they have their own ABN number. It is part of employment practices that are shifting the responsibility in every way possible towards the individual worker.

In that context, it is particularly important that inspections can and do proceed. So my amendment recognises that WorkCover could have more resources to improve the work that they do, be effective and make a difference to workplaces in the ACT.

MR PRATT (11.20): I rise to congratulate, on this occasion, ACT WorkCover. At the outset I would say that I also would support Ms Tucker's amendment. I think it is important that we do see an increased regime of ACT WorkCover inspections. Indeed, that relates to a question that I asked in this place. Mr Speaker, I would like to take the opportunity to acknowledge the importance of ACT WorkCover in Canberra for both employers and employees. This issue has been raised by my colleague Mrs Burke, who did indeed, I recall, celebrate the OH&S awards on that day in the adjournment debate. She was quick to acknowledge that quite significant occasion.

Mr Speaker, ACT WorkCover is not only responsible for the Occupational Health and Safety Act 1989 but also administers the Dangerous Goods Act 1975, the Scaffolding and Lifts Act 1912 and the Machinery Act 1949. All of these acts, administered by ACT WorkCover, assist in establishing and maintaining a safe working environment for both employers and employees.

Mr Speaker, ACT WorkCover promotes OH&S in the ACT through the Occupational Health and Safety Act 1989. ACT WorkCover ensures, Mr Speaker, that employers, employees, people supervising a workplace, self-employed people, manufacturers, repairers and suppliers carry out their responsibilities which minimise the risk of injuries in, near or around workplaces. This alone, Mr Speaker, deserves good, solid congratulations.

Mr Speaker, the work of ACT WorkCover inspectors going into workplaces to proactively check and promote safety is vital work, and that underlines why I support Ms Tucker's amendment to this motion. Mr Speaker, I am keen to get the minister's answer to my question of yesterday on just how—

Ms Gallagher: You'll get it, Steve.

MR PRATT: It is not that I am impatient, Minister; it is just this is a wonderful opportunity to remind the house of my question yesterday on just how effective the ACT WorkCover inspections are and how the compliance program is going. A robust, ordered program is very important, and I do hope the minister keeps the pressure on to ensure that WorkCover keeps it up.

It is with some irony, Mr Speaker, that I note the minister announcing policy changes yesterday which foreshadowed a strong right-of-entry program for unions in the workplace.

Mrs Burke: On a point of order, Mr Speaker: I am finding it very difficult to hear Mr Pratt. There's a lot of crossfire. Give the guy a chance here. You got your time, girl.

MR SPEAKER: That is a fair point. Mr Pratt has the floor, members. Direct your comments through the chair, Mr Pratt, and you might avoid some provocation.

MR PRATT: Of course, Mr Speaker. I am used to outflanking attacks, Mr Speaker. It worries me little.

Mr Speaker, it seems that the unions may have more powers than ACT WorkCover if what we are seeing in the first flush of policy announcement turns out to be true. I do trust the government's policy in its right of entry will not marginalise ACT WorkCover in its inspections program. The ACT WorkCover inspections program is the most proactive program that we have. It tends to be much more of an educational as well as a compliance checking activity, and this is the approach that we should be taking to enhance workplace safety for the sake of our workers and our employers.

Mr Speaker, ACT WorkCover also holds an annual award ceremony that acknowledges Canberra employers and employees for their leadership in the area of OH&S. I was fortunate enough to attend, along with Mrs Burke and Ms MacDonald, this year's lunchtime award ceremony, Mr Speaker, and found myself—

Ms Gallagher: And me.

MR PRATT: I think the minister was there too.

Ms Gallagher: Thank you. I was giving out the awards.

MR PRATT: Sorry, Minister, I was not being churlish; I was trying to remember that wonderful lunchtime session. The minister definitely was there, Mr Speaker.

Mr Speaker, I found myself proud to live in a city where so many people held OH&S in such high regard. Part of ACT WorkCover's annual plan is to reach as many Canberra workplaces as possible with information to educate and build awareness on OH&S issues, and that was abundantly clear that day, Mr Speaker, during that lunchtime award ceremony. Obviously, Mr Speaker, this has been successful in the past, if the awards were any indication of workplaces being aware of OH&S issues—and they certainly were.

Therefore, I would like to congratulate ACT WorkCover and its new commissioner, Mr Erich Jannsen.

MS DUNDAS (11.25): Mr Speaker, I would like to thank Ms MacDonald for highlighting the importance of everyone in the community continually striving for better workplace health and safety by bringing this motion on today. Since occupational health and safety laws were introduced, the rate of workplace death and serious workplace injuries has dramatically declined. Public occupational health and safety authorities, along with workplace OH&S officers and committees, have been an important part of the regulatory framework that has led to the reduction in workplace injuries and illnesses.

The inspection and education work done by ACT WorkCover has certainly prevented many workplace injuries. This is why I was so concerned when a substantial proportion

of WorkCover's resources were being diverted away from broader inspections into one specific campaign. I hope we will see a renewed focus on workplace inspections and education under the new commissioner, because representatives from the union sector tell me that increased inspections, particularly in the construction industry, have the potential to reduce current rates of workplace injury.

That is why I am also supportive of Ms Tucker's amendment to have the government investigate the increasing number of inspectors employed by ACT WorkCover and make sure that we can work to ensure a greater compliance with relevant legislation. It is definitely something worthy of this Assembly's support for the impact it will have on our workplace safety.

But I will return to the positive aspects of ACT WorkCover's current performance. The WorkCover OH&S awards are a wonderful initiative, and I commend the outgoing commissioner for introducing them. I agree that leadership by managers in workplaces promotes the culture of safety in all workplaces. It raises the expectation of workers and makes it easier for OH&S representatives to do their job.

I commend all the entrants in this year's awards and congratulate the winners in each category. It is clear that all the initiatives were the result of constructive partnerships between management and staff. Ongoing campaigns to strengthen the culture of safe work are important because, despite the progress made to date, the ABS reported that almost half a million Australians experienced a work-related injury or illness during the year ending September 2000, representing 5 per cent of all people aged 15 years or older who work at some time during the year. This is quite an astonishing figure. Worse still, in 1995, 30 per cent of Australians had a current injury or injury-related condition as a result of work—that is, 1.1 million people—with over three times as many men affected as women.

Complete or partial deafness is the most common work-related condition, affecting 22 per cent of all people with work-related injuries or conditions. Again, this is most common among men because they tend to work in noisier environments. Work-related deafness represents 85 per cent of all people with injury-related deafness.

Back and neck injuries affect 23 per cent of the people with work-related injuries. So I was pleased to see a number of entries in OH&S awards this year for working to reduce the incidence of back injuries.

Although physical injuries represent the large majority of workplace injuries, psychological injuries caused by work are on the increase. GPs report that psychological problems are the third most common category of workplace injury. Psychological injuries account for almost 10 per cent of all visits to GPs for work-related problems and 14 per cent of visits for new work-related problems. Less than a third of the people with work-related psychological problems seek compensation, whereas the majority of people with physical injuries do. These statistics were something that was very evident in the work that I did with the Community and Public Sector Union.

The number of workers who are experiencing a physical injury in the workplace—things like RSI or other workplace hazards—which is then making them depressed is

increasing. Interventions need to happen to not only fix the physical injury but the ongoing mental injuries that are then incurred by that initial physical incident.

There was an increase in the number of workers feeling pressured in their workplace to work above and beyond what it is they thought was doable. The impact it has on families, the stress that is being caused, is something that definitely needs to be looked at, and that is why we also need to be looking at not just how OH&S is working but broader work friendly practices, work and family friendly practices, to help workers stay happy in the workplace and be productive in the workplace.

I was particularly encouraged in this year's OH&S awards to see the Oz Help foundation win an award for their work to prevent suicide in the construction industry. Media coverage of suicides of young recruits in the military has shown the tragic consequences of workplace bullying and highlighted the importance of programs that seek to address the psychological well-being of workers regardless of whether the cause of psychological harm comes from the workplace or from outside it. With suicide one of the leading causes of death among men aged 20 to 39, and the rate increasing, this is an area that requires some prioritisation.

According to the National Occupational Health and Safety Commission, in 1999-2000 there were 346 compensated fatalities in Australia—84 occurring on the journey to or from work, and 262 from workplace activities. As not all work-related deaths result in compensation, the total number of work-related deaths is thought to be much higher. An example is the death of a pizza delivery driver that occurred in the ACT the year before last, which was not reported as a workplace death in the first instance.

The highest numbers and rates of injury occur in occupations involving physical labour, particularly among intermediate production and transport workers who are injured at the rate of 95 per 1,000 workers, or twice the average rate. For this reason, it was very encouraging to see the ACTION Authority actively participating in OH&S awards in the best community safety initiative category, the best solution category and the best design group category.

The injury rate for labourers and related workers, including cleaners as well as construction workers, is almost as high. So I was pleased to see that the Department of Disability, Housing and Community Services has addressed the safe use of cleaning products and entered their new system in the best OH&S and management system category. I hope that the system that the department came up with can be extended to school-cleaning contractors because the WorkCover review of safety in this sector exposed some very real problems with chemical safety.

Trades people are the third commonest group suffering workplace injuries. Together these three occupational groups account for 52 per cent of all work-related injuries. But the group including nurses, medical and scientific technical officers has a relatively high rate as well, and this is a group where women are strongly represented.

I think the statistics that have been put forward today illustrate that we still have a long way to go before we can say that we have a solid culture of workplace safety in the ACT. But the excellent work being done by OH&S representatives in workplaces and the work

being done by ACT WorkCover in supporting and educating these representatives and their managers shows that we are on the right track.

I congratulate the winners of the ACT OH&S awards and commend the other entrants who developed such worthwhile safety initiatives that help promote zero tolerance of work-caused injuries and illness in the ACT.

MS GALLAGHER (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (11.33): I begin by thanking Ms MacDonald for bringing this matter to the Assembly. I was very pleased to open the proceedings and present the 13th annual ACT Occupational Health and Safety awards earlier this year. The event is important because it provides an opportunity to encourage, support and promote OH&S in the ACT, and also to publicly recognise the people and organisations that have achieved excellence in practical OH&S solutions.

This year there was a 61 per cent increase in the number of nominations received. Sponsorship support was also strong. The success of this year's event has already attracted a number of organisations keen to participate in future WorkCover education, information and promotional programs and next year's OH&S awards. As other speakers have said, there were nine award categories and an overall excellence award.

I presented the OH&S excellence award to the winner, the Oz Help foundation. In a field of outstanding nominations, Oz Help's initiative to prevent suicide stood out because it addressed deeply entrenched cultural issues in the building and construction industry. The program was developed in response to the tragic death of a 23-year-old apprentice carpenter. Suicide is a major problem in Australia, particularly amongst men aged 15 to 24. It ranks as the second leading cause of death in this age group.

Oz Help foundation have developed a new resilience-building program that provides a building-industry-friendly service to apprentices and workers in the industry. The program has been developed as a strategic alliance between the ACT branches of the MBA and the CFMEU. I certainly extend my congratulations to both those organisations for that excellent program.

The awards are an important part of promoting health and safety in the ACT, and this is very important because, while we often hear bad news in the media about workplace accidents, it is easy to overlook the enormous effort and positive achievements of local businesses, employees and the government in this area. The ACT is now leading a national Occupational Health and Safety Commission project to establish national workplace health and safety awards which are building on the success of our own awards.

I congratulate all the winners and the many other businesses and public sector agencies who received commendation for their safety initiatives. I would also like to congratulate the OH&S Council and WorkCover for another successful OH&S awards event.

In relation to Ms Tucker's amendment: I think it is a sensible amendment and certainly one that the government will support today. I think it is fair to say that the government is pushing forward with a very progressive OH&S reform package, some of which has been announced yesterday, but also through the introduction of industrial manslaughter

legislation 12 months ago. I think the attention and the changes that particularly the OH&S compliance review will bring to the work of WorkCover will potentially increase the work that WorkCover will do and extend some of the powers that they currently have.

It is important that, whilst we are pushing forward with this and increasing regulation around areas that WorkCover administers, we make sure that the resources that WorkCover has and the number of inspectors that ACT WorkCover employs are enough to meet the greater compliance focus with the legislation in the ACT. We are very happy to support that.

When you look at the work that WorkCover does, it is extremely extensive; it regulates all workplaces in the ACT. The organisation itself is quite small, with around 65 in total. It is certainly a small organisation when you look at the legislation it administers and the activity that it produces. If we look at their annual report, the last quarterly report showed that there had been 33,000 contacts last quarter with workplaces through advice and education. In the last year inspectors conducted a total of 4,876 visits to workplaces, covering occupational health and safety, dangerous goods, workers compensation, labour regulation and gas safety issues. In addition, the inspectors also handled over 10,500 phone inquiries.

Under OH&S, a total of 4,133 visits were made to sites operated across the industry sectors, with a major focus on construction and retail sectors. If you look at WorkCover's output, it would be very fair for the government to make sure that the resources that we are applying to this organisation enable them to do their work properly.

I think there are a number of programs which WorkCover deserve recognition for:

- the make a difference program;
- the health and safety month initiative, which began this year and which had 38 organisations participating;
- the launch of the zero injury program, which is designed to identify those employers who can make reductions in injury rates, with the assistance of interventions from WorkCover;
- the continuing education and promotion of WorkCover's compliance policy;
- the 10 steps to safety initiative allowing small business to qualify for workers compensation subsidy when their risk assessment and risk management plans are completed, using the small-business toolkit—the annual target being to deliver 200 of those small-business toolkits.

So WorkCover will continue to provide and build on education, information and promotional activities over the next year. It will continue its focus on compliance and community protection services to make sure that people working in ACT workplaces are as safe as they can be.

I would like to also welcome the new commissioner, Erich Jannsen, who began earlier this month, and I look forward to working with him to make sure that WorkCover builds on their very good reputation and that his work is supported through the government ensuring that our legislative reform is resourced to the capacity that enables WorkCover to do their job properly.

Amendment agreed to.

MS MacDONALD (11.40): I will be brief. I just wanted to thank all members for their contribution to the debate. I appreciate the issues that have been raised and the recognition that is being given to the participants within occupational health and safety, notably ACT WorkCover and all those small businesses out there that carry out the message as well about the importance of good occupational health and safety. I thank Ms Tucker for her amendment, which is acceptable, and I thank everybody for their contribution to the debate. I commend the motion.

Motion, as amended, agreed to.

Currong apartments

MS TUCKER (11.41): I move:

> That this Assembly, noting the Government's commitment to maintain stocks of public housing in the ACT, calls on the Government to:
>
> (1) until there has been an increase in the number of public housing properties in the ACT to a number 212 higher than the number at 28 October 2003:
>
> (a) to cancel plans to demolish Currong Apartments;
>
> (b) not to move out residents who would prefer to stay at Currong Apartments;
>
> (2) to reconsider the options for refurbishing the Currong Apartments as ongoing public housing, taking into account the reports on options prepared for the ACT Government in September 1998, 1999 and May 2001;
>
> (3) to report back to the Legislative Assembly by the end of the last sitting week in February 2004.

I put this motion today because I believe we do need to have this debate. The government has announced its decision on the Currong apartments and has yet to justify that decision in this place. I appreciate the briefing organised for members and, through that briefing, having access to the background information.

Given the range of consultants' investigations, feasibility studies and option papers over the years, it is worth reconsidering this decision. I hope that this Assembly will support my motion, which calls on the government to, at the very least, put a halt on the demolition plans and on moving people who would prefer to stay until we know that we have an equivalent number of ACT Housing properties in the ACT.

My motion also calls on the government to reconsider the decision. I am sure that the government did put thought into the decision but, if the Assembly agrees that at this time Currong is an essential and valuable public housing asset from the perspective of social equity and that it is worth having another look at it, then maybe some solution can be found that does not involve removing Currong entirely from the housing stock. Currong

houses 212 people a short walk away from Civic, with all its services and activity and bus connections to everywhere else in Canberra.

The residents survey conducted in May 2003, which heard from 52 per cent of the residents—slightly skewed towards older and longer term residents—asked whether residents were willing to move, do not want to move but accept there is a strong possibility that they may have to, or do not want to move. Fifty-four per cent identified as willing to move. This group matched the gender profile of Currong but tended to be younger and more recent tenants. Thirty-seven per cent do not want to move but accept that there is a strong possibility they may have to. Almost three-quarters of this group of people were male and were older and long-term residents. Half of these respondents have lived at Currong for more than 10 years. Eight per cent were not willing to move.

This was a small number of respondents, nine, so statistically it is difficult to draw conclusions. This was a mixed group, varying in age and tenancy duration.

What of the people who didn't respond? This is pure speculation but, judging from the distrust which I know some residents feel, there may well have been a reluctance, a feeling of "they won't listen to me anyway", among tenants to respond. It may be that people who want to stay also felt doomed and that there would be no point in expressing their views. I know this is speculation, but it does occur to me to wonder: what about the other 48 per cent of residents? Is this sample really going to reflect the weight of opinion among all residents?

Currong's problems, with which we are all too familiar, have to be considered in a broader context. Those now elderly, long-term residents who have very positive associations with the place and want to stay did not always have trouble in the multi-unit site. There are some important friendships among the residents that have come from the close proximity of the multi-units. For a large group of single residences, this configuration, at its most positive, reduces the risk of social isolation—something we were talking about yesterday in our debate on the state of aged care. At its most negative, of course, where there are people with problems, people who behave antisocially, the close proximity can mean intimidation; it can mean not feeling safe to go outside your own flat; it can mean finding syringes about the place.

One way to solve this problem is to disperse properties. The policy of not constructing new multi-unit public housing properties seeks to avoid the negatives. But the question of how to support and assist changes for people who are living dangerously remains. It won't necessarily help to scatter people in a salt-and-peppering arrangement.

These problems are about disenfranchised people; about poverty; about not having access to education, the same resources, the same chances; and often mental illness. The substance abuse problem comes on top of these issues and creates additional problems, made more complex by our treatment of drugs as a criminal rather than broad health matter.

That is why it is very important and encouraging that this government has strengthened their focus on assisting people living in disadvantage in ACT Housing. Recent announcements, with a promise of more to come, I hope, will really make headway in

dealing with this underlying problem of exclusion of marginalised people and inequities, and then we will see improvements.

These supports, and more importantly perhaps, community development work are actually facilitated by the concentrations of people. The concentrations we have in the ACT are a lot smaller than the enormous complexes in Melbourne, for instance. It is smaller than the isolated public housing community in Tasmania, which has been through a stunning social transformation, with resources provided for community-generated community development.

I think it is difficult to find exactly similar models interstate, but there are useful success stories. They involve tenant participation, support, activation. Community development, as work, is supported by a lot of critical thinking and learning. The multi-unit complexes, when they have community rooms, provide an opportunity for some of that work to occur, for people to make friends, build connections and bridges, but that does depend on supports being in place.

With this kind of work in place and growing, through the community linkages program and the associated grants program—although some excellent proposals have been hampered by, of all things, the insurance crisis—and through the improvements announced recently by government, it is really hard to accept the government's decision to walk away from Currong.

The *Multi-unit property plan* produced in June 2000 by Ecumenical Housing Inc for ACT Housing recommended an extension and redevelopment which would deal with the fire safety, the lifts and the water-leaking problems associated with the window walls. They summarised their position on Currong flats at page 67:

> Given the excellent location of the site, the potential for successful extension and upgrade, and the difficulties of tenant relocation, the option of retaining the site has been chosen and is considered a sound financial decision.

The consultants have identified a solution for Currong apartments that addresses the current major limitations of the building. The proposed option was developed based on two key assumptions—that ACT Housing would have major difficulty permanently relocating the tenants; and, secondly, that all alternative options to the one proposed would result in significant and unacceptable loss of stock and were financially unsound. They recommended also that ACT Housing consider the assumptions, the proposed option and the outcomes carefully and critically, noting, among other things:

> ACT Housing may be prepared to increase the waiting time for new applicants in order to facilitate permanent relocation of tenants from Currong Apartments.

My motion today challenges the government to show that they have not decided to accept an increase in waiting times for applicants. It would not only be new applicants affected, it would also be current applicants on the list who are already facing long waits, even when they have been assessed as being in priority need, that is, they are homeless.

We all know this. No-one likes it. It makes additional, unacceptable impacts on the people who are in need, which potentially deepens their personal problems and resulting social problems. So I am asking this Assembly to ask the government to reconsider.

The arguments in the backgrounder, about the churn factor, have been used to minimise the effects on the waiting list of demolishing Currong. My motion, by calling for a hold at least until 212 additional properties are available, rejects this claim. While there may be churn, it still represents a place, a home for a time. Reducing the stock by 212 will reduce the number of people who can even have access to a high-churn residence. Whilst some people with special needs often are not able to live in a large multi-unit property, nor cope with high-density environments, there are a range of other people who could be housed there.

The third part of my motion asks the government to specifically consider particular reports. This of course is not an exclusive list, but I have identified those reports in particular because they are the reports where the government was asking what can be done to keep Currong. A more recent report, in June 2001, asked, "What are the options for a five-year life extension for Currong?" Not surprisingly, that was an expensive option and I haven't included it in this list because the question asked of the consultants is different; it is the wrong question for this purpose.

While my motion asks for a temporary hold, it is in the context of reconsidering the decision. The government's backgrounder on Currong argues that the cost of refurbishing would be between $18 and $20 million and that this is too high a cost. The reports all acknowledge the amount of work needed as listed in the backgrounder, but their conclusion is that overall the properties are structurally sound.

Around 1999 Totalcare undertook major rehabilitation of the below-ground sewer and stormwater drainage systems for a contract value of $274,000, which is expected "to ensure flow capacity is capable of being maintained for a minimum of 80 to 100 years".

Reports on refurbishment, redevelopment options and costs include the September 1998 *Currong Flats Braddon phase 1 report* prepared by Collins Caddaye and Humphries, architects; along with John Rainieri and Associates, consulting engineers; Northrop Engineers; J Easthope and Associates; and Wilde and Woollard. This report, in 1998 dollars of course, estimates that the first phase of work over five years to upgrade all the flats in the complex would cost $7.1 million.

In what appears to be October 1998, Collins Caddaye and Humphries, architects, prepared a feasibility study on the conversion of block C to APUs. In February 1999 Cox Humphries Moss were engaged to prepare the *Supplementary report—conversion of Currong flats to older person's units*. This report prepared options from a basic upgrade to a full, up-to-current standards refurbishment. And of course this work also included the fire safety and lift work and replacement of the existing lightweight façade with a new glazed system.

The supplementary report compared the costs of the refurb options with the equivalent demolition and rebuild project. The estimated costs were:

- for the deluxe model, including four by two-bedroom units and 68 by one-bedroom units, refurbish, $5.516 million; demolish, $9.715 million;
- for the upgrade to current APUs, 74 by one-bed units, refurb $5.624 million; demolish, $9.855 million;

- for converting to APUs below standard, refurb, $4.472 million, demolish; $7.975 million.
- for upgrade with no change (the minimum work) refurb, $4.148 million; demolish, $7.8 million.
- for what I have called the deluxe option (although it results in two fewer units and costs slightly less), refurb, $76,000 per unit

These figures are in 1998 dollars. Could we get the same results for less? That is the question the government has to answer in detail.

In January 2001, Asset Services prepared the *Report on the installation of a new lift and refurbishment and/or replacement options for the existing lifts at the Currong apartments for ACT Housing*. This was clearly a more detailed investigation of the lifts, which had also been addressed in the earlier report. This report pointed out that the lifts did not meet current safety standards and identified means to build new lifts which would meet the standards. The report advised that the lifts were overdue for new technology to improve performance, safety, comfort and reduce maintenance down time. This was in 1998. The option of basic upgrade to statutory requirements would then have cost $50,000 for four lifts. This included one stretcher-capable lift.

In March 2002 there was another interesting report. Cox Humphries Moss, Snedden Hall and Gallop, John Rainieri and Associates, Tennant Hydraulics Consulting Services and Wilde and Woollard prepared the *Report on the cost estimates and range of works required to unit title Currong flats, part block 1, section 52 Braddon for ACT Housing*. The only reason for unit-titling is of course to facilitate the selling of the units. This report again highlighted the fire safety and lift issues, together with a range of other improvements and legal or planning requirements. The five-year minimal works budget, which doesn't obviously, though I may have missed it, include dealing with the leaking façade and windows, is $7.512 million, with the increased estimates. The estimates include GST.

The final report in my list is from May 2001. Cox Humphries Moss Steward Fagan, Wilde and Woollard, Egan National Valuers, Fire Safety Science, Tennant Hydraulics and AWT Consulting Engineers prepared *Refurbishment and feasibility report, Currong flats, section 52, Currong Street, Braddon for ACT Housing*. The costs here are prepared alongside the plan for some units to be sold off. I won't go into the details here, but the cost per unit for the upgrade to a mix of two-bedroom APUs, three-bedroom APUs and small two-bedroom APUs was, respectively, per unit: $81,000, $90,000 and $70,000. This, as I say, assumed that not all of Currong would be retained as public housing, something that is problematic for other reasons.

In June 2001, Cox Humphries Moss's *Supplementary "5-year" option report—Currong flats, Braddon, section 52*, as I have said, looked only at the costs for immediate necessary works. The proposal to convert to older persons units would address what we know is a growing demographic change. However, single person's accommodation for younger people is also a need. That is often the difficult tenancies, but it is no less important.

The question is not only how much would it cost, the question, as the Ecumenical Housing report pointed out, is also what alternative outcomes would be gained by using

the money in a different way. *(Extension of time granted.)* Could we have brand new construction of the same amount and type of properties for the same money? I urge the government to really consider this again and to consider retaining the whole as public housing. It is an investment now, but public housing truly is an investment in our healthy community.

Can you justify the impact on the waiting list and the human beings that list represents or can you demonstrate that the cost of replacing the equivalent range of accommodation at Currong elsewhere is substantially less than the cost of moving everyone, demolishing and losing this asset?

I commend the motion to the Assembly.

MRS BURKE (11.57): I am interested to see that Ms Tucker has brought on this motion this morning. There has been much discussion in this place about the Currong apartments. It is a very difficult issue. I, of course, have been very active—Mr Wood alluded to this yesterday in this place—in supporting the people at Currong apartments, who are uncertain about what is going to happen to them.

There has been much debate and conjecture around the future of the apartments. Members will know that I lobbied the minister very hard over the issue of making a decision about Currong's future. I am not sure why this matter has come to the fore now. Like Ms Tucker, I have been lobbied by many people. I notice that point (2) of Ms Tucker's motion refers to reports on options. I have a list of the many reports that have been prepared.

I cannot support, and the Liberal opposition will not be supporting, the motion. However, I do understand where Ms Tucker is coming from in respect of the human involvement in all of this. I had been asking and pressuring the minister for months prior to his decision to reconsider and review the evidence before him. I have already asked for that. I have asked time and again that a final decision should not be made on the Currong apartments. We need to keep Currong on-line to preserve our housing stock, given the trauma and the beating that our housing stock has had because of the bushfires, with some 80 properties being affected. Also, our ageing housing stock is becoming an increasing problem. The reality is that Currong apartments is an old and, in many cases, dangerous multi-unit complex.

This is a difficult decision. One government can bag another for what they did or did not do. However, I agree with point (1) of Ms Tucker's motion. I am disappointed in the minister because if the 3½ thousand people who are already on our waiting lists are not to be adversely affected, there needs to be an increase in the number of public housing properties in the ACT to cover the people we will have to move.

My big bone of contention is that the Burnie Court site is still sitting vacant, with nothing happening on it. We are now two years down the track and we could have done something about that. I agree with point (1) that there could have been better planning. Some of the process has been flawed. No government can afford to put people at risk. We have an increasingly ageing population in Currong apartments. We have people with complex medical needs and it is near-on impossible to get a stretcher into the lifts.

It is extremely disappointing that the minister chose to make the announcement or the decision when he did, given the impact of the bushfires on housing stock. Had the minister been more open with the Canberra community, as I have been asking for months for him to be, we might have understood his reasons. Having now made that decision, however, I now believe that it is appropriate to continue with the course of action.

Mr Speaker, this is not about me giving up the fight to address the housing plight of human beings but about being practical and weighing and balancing up all the time the difficult decisions that we have to make. The minister needs to add back more stock. Whatever it takes, we need him to expedite the addition of more properties and buildings.

There should have been greater thought given to timing but I believe any change would now pose a significant problem to the tenants. There would be considerable stress and confusion to the many tenants who have now geared themselves to being rehoused over the coming months. I notice that, of 52 per cent of people that responded to a survey that was conducted, 58 per cent are happy and agreeable to move.

The challenge for any government is to keep and maintain stock. This will become an increasingly tougher challenge, not only for this government but for future governments, as much of our housing stock increases in age and becomes non-compliant with current building codes of practice. However, wherever possible and it is safe to do so, we must preserve stock. My concerns about Currong are centred around the poor process to date. But, again, the safety of people within those apartments has to be at the forefront of anybody's mind.

I am a little uncertain of what Ms Tucker means about not moving out residents who prefer to stay at Currong apartments. She talked about there being a delay in the timing. You cannot build people's hopes up by saying they are now going to be able to stay, and then crush those hopes. It is disappointing that the decision has been made, and there is a whole debate for another day as to whether it would have been worth spending the money, et cetera. We have told people now, the decision has been made, and we need to move forward.

I also understand the frustrations of this housing minister and his experiences in trying to work in a cooperative and cohesive way with the planning minister. I understand that that has posed some difficulties in the rebuilding of stock in other places. I am not sure about the details of that—maybe he can tell us himself.

Mr Wood: Not at all.

MRS BURKE: That is not what you said to me, Mr Wood. There have been some difficulties with planning, and we all know that.

Mr Speaker, as I have said, I have been concerned with the way in which the government has approached the issue of the future of the apartments. Let us look at some of the process. I believe, from talking to, listening to and gaining feedback from many tenants, that the survey was couched in such a way that the answers given could only really eventuate in the closing down of Currong and the rehousing of tenants over a 12-month

period. What I am saying is that, instead of wasting all that money, I believe the government could have made a decision in a far more expeditious way.

Just over half of existing tenants responded and many people who contacted my office believed the survey exercise was a fait accompli. In fact, on that basis many did not respond, and that might interest the minister. They just threw their hands up in the air and said, "Well, that's it. There's no point."

Many tenants felt patronised and bribed by the issuing of the $5 scratchie card. Some tenants called my office to express alarm that a government would encourage such behaviour, particularly amongst some tenants with gambling addictions. Obviously, Mr Speaker, this is an action which the government fully condoned. Indeed, the government scoffed at the Liberal opposition's objection and stance on this issue.

However, all of this aside, the government have now made this decision. They have decided that, in light of the many reports completed on Currong since 1998, they will be looking to redevelop on the Currong apartment site and the current tenants will be moved out over a period of 12 months.

I do not think it is appropriate that the minister should reconsider refurbishing the Currong apartments. We could have debates back and forth on this, but I think sensibly and practically that would be throwing good money after bad. We need to move on. We need to make sure that we can replenish the stock. We need to rehouse those people in a timely and appropriate way. The minister knows I am watching like a hawk what is happening there, and I have his assurances that that will happen smoothly.

People are still very worried and concerned. As the number of apartments decrease, the personal security and safety of the tenants are in question. The minister must be very aware that the people left in that place are feeling very vulnerable.

Again, I understand where Ms Tucker was coming from. I have tried to fight very hard for the people at Currong apartments, but I guess the practical side of me would have to say that all the evidence before us seems to indicate that continuing to pour money into this complex is not an option open to us. The Liberals did spend money on the apartments, and I realise that.

I thank members for their time and I thank them for allowing me to contribute to the debate.

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) (12.06): Mr Speaker, let me state emphatically that the government will, at the very least, retain the overall level of public housing stock that existed at the time we were elected. Nothing has changed with that commitment.

The numbers are important to Ms Tucker, as they are to me. At any one time, the absolute numbers will, of course, fluctuate as properties are bought, sold, built or redeveloped. For example, there is currently a short-term drop whilst the houses lost in the January 2003 bushfires are being replaced. Therefore, it is not particularly helpful to

judge the overall government intention with the precise number from any one property, in this case Currong.

In fact, I would tell Ms Tucker that when tenants start their move, when they move from Currong to their better homes, the number of properties will exceed the fire depleted number as at 28 October 2003, the date that is contained in Ms Tucker's motion. It will exceed the fire depleted number. Really, 28 October was not a good date to pick because at that time the number was low due to the loss of 88 properties. The replacement program is well under way. By June 2004 the number of properties will be at the level they were when we came to government, or better.

As I will show, the government has thought long and hard about Currong and the welfare of its tenants. I think it is important to make it clear that Currong, with all its problems, is not a long-term option, or even a medium-term option, without the investment of considerable funds—funds beyond what is feasible or even proper. It is not appropriate either for tenants to continue to live in Currong beyond the relatively short term. Therefore, something needs to be done and, in considering its options, the government sensibly and responsibly has sought the best long-term solutions to housing the tenants from Currong.

When I wrote to the tenants on 27 October this year I indicated that their relocation would occur over the next 12 months. These tenants continue to have the same rights to public housing as they currently enjoy—whether where they are or somewhere better, they have the same rights. Any decision to vacate a complex of 212 units cannot be implemented overnight if a proper assessment of existing tenant needs and requests is to be fully and carefully considered and delivered. It is therefore not necessary to have 212 extra dwellings available right now while tenants are still making decisions and choices regarding which home they wish to move to. After all, the occupied units in Currong are still being used for public housing while decisions are being taken.

Ms Tucker's motion calls on the government to ensure that no residents who would prefer to stay in Currong should be relocated until an extra 212 dwellings are added to the public housing stock. If these tenants have found appropriate—and, I have no doubt, better—alternative housing that suits their needs, why should we delay them from moving? As I have said, stock numbers will return to the level they were when we came to office.

Contrary to Ms Tucker's motion, I believe it would be an irresponsible use of other public housing as it became available if the government were to, say, artificially keep these emerging properties vacant and potentially delay all allocations until we had 200 extra dwelling units available all at once. Tenants should be given the opportunity to move from Currong to better accommodation. Surely it is far more sensible to allow tenants to move as soon as practical after suitable alternative accommodation is available. It is difficult to understand what Ms Tucker is trying to achieve with that part of her motion.

Ms Tucker has also mentioned the stress on the waiting list. With the clear indication that our stock numbers will remain consistent, there is no medium, long-term or perhaps even short-term stress being added to that list.

Ms Tucker has also moved that the government cancel its immediate plans to demolish Currong. The government has made no decision, certainly at this stage, to demolish Currong. It has not yet made a final decision on its future. We are considering that now. It may sell or it may redevelop, either by itself or as part of a joint venture. If it sells Currong it will be up to the new lessee to decide about the future of the building. If it is redeveloped by government or in joint venture—and I emphasise this has not been decided—any demolition will only be done in order to allow a new building to be constructed. The decision, when made, will be on the basis of achieving the best long-term outcome for public housing, whether that be cash, housing on site, social outcomes, or a combination of some or all of these.

The second part of Ms Tucker's motion refers to reports prepared for the previous government on options to refurbish. The government has carefully considered these options and concentrated on the long-term position by modelling to the year 2027. We took some time making the decision because we were carefully examining all options. Those reports were considered—indeed, they were specifically commissioned for such a purpose. The examination has been exhaustive and we have modelled for the long term. This approach is consistent with the Department of Disability, Housing and Community Services' public housing asset management strategy which was recently endorsed by this Assembly.

I should make a few points about refurbishment, which culminated in the May 2001 report. Firstly, any major refurbishment of Currong would only extend its life by about 20 years. The cost of such a refurbishment would be in the order of $22 million today. This is an investment, in today's money, of over $100,000 per dwelling unit for a life of only 20 years. In order to fund the $22 million it is estimated the government would have to sell between 60 and 65 other dwellings. So where do we win?

Secondly, any major refurbishment of Currong would require the progressive relocation of tenants from each building in turn into other accommodation while refurbishment occurred. This would involve the government in extra accommodation costs and loss of rent, not to mention the disruption for the tenants. After 20 years, the government would then be faced with the only remaining options of either selling or redeveloping Currong at that time. The modelling indicates that, taking into account the abovementioned costs, including relocation costs, the government would be better off by some 60 to 65 dwellings now and 88 dwellings in 2027 if it made a decision to sell or redevelop now rather than refurbish.

The third part of Ms Tucker's motion calls on the government to report back to the Assembly by the end of February. I believe that my response today adequately considers and addresses Ms Tucker's concerns, and a further report is not necessary. I am confident that the government has made the correct, admittedly difficult, decision not to refurbish Currong.

The other parts of the motion, if carried, would only seem to hamper the progressive relocation of tenants into newer, appropriate accommodation to meet their individual needs. The approach adopted by the government is consistent with the Assembly endorsed public housing asset management strategy.

MRS CROSS (12.15): Mr Speaker, I thank Ms Tucker for raising this issue today. I find it interesting that the government has often commented on the state of public housing in the ACT and the need to increase the number of properties and the diversity of types of those properties.

Even though we are told that we have a shortage of accommodation for lower income people in this city, the prospect of demolishing the large complex of Currong flats or apartments has been floated and is obviously part of the plan. Currong flats is a very solid structure, close to all amenities, and it seems to me ideal for conversion to older persons units or, in fact, a combination of older persons accommodation and accommodation for others.

I do wonder why the government would consider demolishing instead of conversion. This structure could be revamped, the central heating could be re-established, the lifts could be renewed and the whole building could be secured so that older people could live there with a sense of safety. The external area provides enough room for developing a pleasant outside area which would add to the residential amenity for the residents.

Apart from the waste of such a structure, it is very poor administration to demolish the building when we are so short of accommodation for the public sector. I will support Ms Tucker's motion, and I urge the government to reconsider the status of Currong.

MS DUNDAS (12.16): Mr Speaker, I congratulate Ms Tucker for once again bringing the matter of ACT public housing to the attention of the Assembly. Today we are dealing specifically with the government's recent decision to sell off Currong apartments for redevelopment. I believe this motion highlights the ongoing issue of housing affordability in the territory and the ACT government's inadequate response thus far.

We have talked about this issue repeatedly in the Assembly but we have not seen the level of response we would have hoped for. The closure and sale of Currong apartments represents a continuing practice by successive ACT governments of cannibalising ACT housing stock. A large complex is demolished and sold off, with the proceeds going to buy new housing properties, usually less expensive properties further out in the suburbs.

However, the investment in new properties does not replace the number of dwellings that were previously available. Even with some additional funds being injected into ACT Housing for acquiring new properties, the number of public and community housing dwellings is continuing to decrease over the long term. It is my understanding that we have not yet reached the number of public and community housing dwellings that were available before Burnie Court was demolished and we now see the government proceeding to do the same with Currong apartments.

Ms Tucker's motion calls for the demolition to be deferred until the level of public housing, as it was at 28 October 2003, has been increased by 212 dwellings. I recognise that this statement is a minimum level for judging when existing housing stock should be demolished.

I have heard the government make similar statements that the goal of public housing policy is simply to maintain the number of dwellings that are managed by public and community housing agencies. I note that the baseline for this appears to be the already

low levels of dwellings that were left at the end of the previous Liberal government's term. I would like to point out that this is actually setting the bar quite low when you look at long-term investment in public and community housing.

We have to keep in mind that the population and the total number of residential dwellings in the ACT continues to grow, and the government needs to go back and question how we can have such a low goal for the number of public housing properties. In reality, this means we have a policy of decreasing the proportion of public and community housing as the city grows. If some of the projections of the spatial plan are correct, then over the next 30 years the proportion of social housing in the territory will drop quite drastically, which will result in even greater pressure on the public and community housing systems.

I note that Ms Tucker's motion also raises the issue of refurbishing the existing complex. Especially for the reason of its excellent location, the issue of refurbishment may be a medium-term solution if the government is unwilling to make the investment required to maintain or increase the level of public housing stock to meet the needs of the community. While the complex is obviously ageing, a major upgrade of the facility will extend its life for another decade or so. This would result in additional social housing purchases in growing the public housing stock, rather than simply trying to replace those properties that have already been sold off.

I would also add the option of public redevelopment of the site. Last year the Assembly passed the Planning and Land Act to set up the government's land agency, which was designed to have the capacity to undertake major public redevelopment projects like this for the benefit of the community. So why not use this agency to provide better-quality housing on the Currong site that will add to the housing supply in the long term?

I would like to respond to a point that the minister made in his speech. He talked about point (1) of Ms Tucker's motion, which says that until there has been an increase in the number of public housing properties the government should not move out residents who would prefer to stay at Currong apartments. The minister said that if something more suitable comes up we will not be able to move them. If something more suitable comes up then the residents would want to move. It is not that they do not want to move at the moment. They are happy at Currong. But if somewhere else is available that they are happy with, then I suggest they would probably like to move. So I think that argument put forward by the minister was a bit of a furphy.

He also went on to talk about the costs of refurbishment and the other costs. I think we need to view it as an investment. It is an investment in capital and it is an investment in people. It is an important part of looking after the community. We can help break the cycle of poverty by helping people into stable accommodation.

I would like to point out that the Democrats do not disagree with the general policy of decommissioning the remaining large and ageing public housing complexes around the city. The past policy of concentrating public housing in large complexes has proved a failure as it results in concentrating disadvantage in a small geographic area, with associated negative social outcomes.

The more recent approach of trying to disperse public housing throughout the city is a commendable policy goal, but it should not be pursued at the expense of maintaining, or better still increasing, the social housing stock. I think we all realise that the Currong apartments is an ageing complex that has a poor reputation here in Canberra. The survey conducted of tenants shows the majority of tenants would be quite happy to move to other premises if offered the opportunity. However, we need to question the effect of moving tenants out into the suburbs or to facilities geographically removed from what they see as essential social services. I note that the proximity to services was listed in the tenants' survey as the greatest benefit of living at Currong.

We should not underestimate the need to locate public and community housing close to essential services like shops, health-care and public transport facilities. While housing is probably the most important method of alleviating poverty and disadvantage, it needs to be complemented by a cluster of other social services, and the provision of replacement housing that makes other services difficult to access may worsen social outcomes rather than improve them.

It was interesting to hear yesterday the Treasurer, in response to a question from Ms Tucker, state that the current high revenues of government should be spent on new government investment. Public and community housing presents the perfect opportunity for investment. Not only does public housing present opportunities for non-recurrent expenditure that will maintain its value to the territory, it increases the social supply of housing and assists in the fight against poverty. It is a win/win situation and it is a shame that the government has so far not chosen to invest its enormous surpluses in the worthy pursuit of housing stock.

MS MacDONALD (12.23): Mr Speaker, in responding to the motion we need to consider not only the physical state of the Currong flats but also whether the complex meets the needs of the tenants. It is clear that the Currong flats have a very limited economic life. However, it is also important to recognise that the apartments have had high rates of refusal by prospective tenants and a high rate of turnover—sometimes as high as 50 per cent in a year; and even in the current very tight private and public market, around 30 per cent of tenants are moving out each year.

The Allawah, Bega and Currong complexes contain a total of 440 public and community housing properties, which is an undesirable concentration of social housing and differs from the objective of having mixed public and private housing.

As an integral part of the government's decision on the future of the complex, an independent survey of tenants was undertaken by Purdon Associates. The survey was conducted in May of this year and involved a half-hour, face-to-face interview with tenants. The tenants were encouraged to participate, and 52 per cent of them did.

The composition of the Currong tenants is unusual, with a mixture of older, long-term tenants and much younger and short-term tenants. The tenant population includes approximately two-thirds male and one-third females, with 25 per cent of tenants having lived there for over 10 years and around two-thirds for less than five years. Those who participated in the survey were an older group of tenants than the average and had lived at Currong for longer than the average. Despite this, the survey found that 54 per cent of the respondents, or 58 tenants, were willing to move out of Currong; 37 per cent would

prefer not to move but accepted that there was a strong possibility that they might have to; and only 8 per cent of respondents were unwilling to move.

Unsurprisingly, these views were closely correlated with the tenants' satisfaction with the complex, including the interior of their apartments and concerns about the complex as a whole. Respondents to the survey were most positive about the apartments' aspect, view, proximity to Civic and its facilities and least positive about the complex's poor condition, noise and drugs.

A number of questions were asked about the Currong community. Sixty-four per cent of respondents had not been to any community activities organised at the complex but 88 per cent were friendly with other tenants and talked to them at least once or twice a week. Seventy-two per cent have friends or family who visit them at Currong but there was a level of concern about this aspect, with 40 per cent of the respondents mentioning visitors concerns for their personal safety, the condition and reliability of the lifts and the unpleasant atmosphere and drug culture.

Mr Speaker, respondents indicated that alternative accommodation would need to have a sunny aspect, be close to shops or a bus route, have good quality kitchens and bathrooms and private outdoor space. Other aspects rated as important by significant numbers of tenants were a larger flat, private laundry, the opportunity of ground floor accommodation and smaller complexes. The survey also found that, for many of the older and longer term residents, an apartment in easy reach of the city would be important to minimise any sense of dislocation felt by this group. The government's decision responds to these concerns.

Given the high turnover in the complex, many of the tenants would have moved out in the next 12 months. The on-site relocation team is working with all tenants to find suitable alternative accommodation to meet their individual needs. Tenants have been advised that they will have the opportunity to relocate with their friends to the four new complexes being built in Turner and Braddon, if this is their wish. However, tenants who would prefer to relocate out of the inner north will also be catered for. The survey has demonstrated that there are other ways of meeting the long-term needs of existing tenants without the large investment in refurbishment, which just could not be justified.

The government remains committed to attempting to retain the maximum numbers of social housing properties. However, it needs to be emphasised that there was no decision available which did not involve at least a short-term reduction in stock to meet the costs of either refurbishment or replacement of the complex.

I understand the concerns that Ms Tucker has raised and that have been expressed by a few people in this place today, but I would urge the Assembly to keep in mind that if her motion is passed it will mean continued uncertainty for these tenants. Mr Speaker, that would be much, much worse than the prospect of relocation.

Debate interrupted in accordance with standing order 74, and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.28 to 2.30 pm.

Visitors

MR SPEAKER: We have some students from Bega Primary School in the gallery. Welcome. Yesterday we had some students from St Patricks Primary School in Bega.

Ministerial arrangements

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, for the information of members, I should indicate that my colleague Mr Wood, the Minister for Urban Services and minister for the arts, is on Assembly business today and is not available to take questions. I regret that, but I am more than happy to take any questions that may be directed to Mr Wood today.

Questions without notice
Australia Day in the National Capital Inc

MR SMYTH: Mr Speaker, my question is to the Chief Minister. Chief Minister, your arts minister, Mr Wood, has defended the gutting of funding to the Australia Day in the National Capital Inc on the grounds that it duplicated activities of the NCA, a claim soundly rebutted by the NCA yesterday. Mr Wood also claimed on ABC radio that the committee is unrepresentative of the ACT community.

Mr Speaker, the board, the committee and the membership of Australia Day in the National Capital are a veritable who's who of the most active and respected community members. It includes luminaries such as Ken Helm, Jim Service, General Clunies-Ross, Frank Cassidy, Lloyd Whish-Wilson, Arthur Kenyon and John Baker. The list goes on and on.

Chief Minister, who is the patron of Australia Day in the National Capital?

MR STANHOPE: I will take the question on notice. Mr Speaker, in relation to this storm that the Liberal Party is seeking to beat up about Australia Day, there is some additional information that I might provide and that has been provided to me today by the minister for the arts in relation to this particular issue. I think it is important that I give members that particular background.

Mr Speaker, all applications for government grant funding, including funding for community celebrations on Australia Day, are assessed through a rigorous and transparent process. The ACT Festivals Fund has comprehensive and very clear guidelines, which include a statement that activities seeking funding should complement and not duplicate existing activities.

The announcement by the National Capital Authority that they were going to present a major Australia Day concert in 2004 was made before the applications to the ACT Festivals Fund closed. It was announced by the Prime Minister on 7 July 2003. The Festivals Fund closed on 14 July 2003.

Australia Day in the National Capital knew about the NCA's plans when they came in to discuss their application with the department on 9 July. The guidelines and fund criteria

were explained carefully and they were advised to be particularly clear about how their proposal complemented and did not duplicate the concert that had already been announced.

Despite this, the organisation chose to apply for funding specifically for an Australia Day concert and associated fireworks. Not surprisingly, the Festivals Committee and then Minister Wood thought the two concerts on two consecutive days to celebrate Australia Day was not a good use of scarce grant funds.

Of course, this is not the only activity planned for Australia Day. Australia Day in the national capital also involves activities like the great Aussie Day breakfast and the flag-raising ceremony, and the ACT government will be hosting the citizenship ceremony on the day.

I understand, Mr Speaker, the organisation receives funding from the federal government—$35,000—to assist them in delivering community activities on Australia Day. Other state and territory Australia Day councils around the country also received $20,000 from the National Capital Authority towards the day. However, funding was not sought from the ACT Festivals Fund to support these other activities, and the government would expect that these would be still going ahead.

The government is very supportive of celebrations for Australia Day. I can only speculate as to what the recommendations would have been if the Australia Day application had been for activities for other than a second concert. As members should now be aware, that is not what the organisation chose to do.

Mr Speaker, I am patron of dozens and dozens of organisations, which gives me great pleasure. I am very happy to lend the support of my office and the government to a whole range of organisations that do good work for the community, as does Australia Day in the National Capital.

MR SMYTH: Mr Speaker, I am pleased the Chief Minister was prompted to remember that he is the patron of Australia Day in the National Capital. The question is, Chief Minister: what are you, as patron, going to do to encourage, protect, promote and support this organisation, as you are bound to do as patron? Will you restore the subject?

MR STANHOPE: I think that the Leader of the Opposition misunderstands the role of patrons fairly significantly. It is a matter of concern, I think, that he thinks that the role of Chief Minister, as patron, is to intervene on behalf of organisations. In fact, the basis on which I accept patronage of the myriad of organisations that I am patron of is that I will not use the influence of my office to advance or advantage a particular organisation. It is a quite explicit condition of my acceptance of the office of patron of all the organisations of which I am patron that I will not intervene on their behalf. That is the basis on which I accept the honour of being patron. And that is as it should be. That is appropriate.

That, perhaps, is not the attitude which the other side would adopt in relation to these things. They would intervene; they would use their influence; they would bring patronage to bear in the terms of the provision of particular resources; they would look at an application for funding on this basis: "Oh, well, I'm patron of this organisation, I'd better fund it; too bad about the rest, too bad about a level playing field, too bad about

the explicit rules that apply in relation to the provision of funds for festivals in this way. Just ignore that; you are the patron; therefore, you trample on the rules."

What I will do in relation to this, as a result of some of the issues that have been revealed in relation to Australia Day and how it is organised in the ACT, particularly in relation to the blatant crossover between the Commonwealth and ACT governments—

Mr Smyth: That's not what the NCA said.

MR STANHOPE: It is the truth. The truth is, of course, that the Commonwealth, in the announcement which the Prime Minister made in July that, yes, the Commonwealth is organising a concert—not in consultation with the ACT government; a unilateral decision made by the Commonwealth to come in and fund, through the NCA, a major concert for Australia Day without consulting with the ACT government, without asking us how this fitted in with our plans to celebrate in this place Australia day—really has created an issue.

Mr Hargreaves: On a point of order, Mr Speaker: could I beg your protection against that rabble across the way. I can't hear it.

MR STANHOPE: It is important, Mr Speaker, I think, that we do address the conflict that has been generated by the Commonwealth's involvement and by the unilateral and non-consulted decisions that they have made in relation to Australia Day.

Into the future—and I hope that there is something that we can do in relation to Australia Day 2004, but certainly for Australia Day 2005 and onwards—let me assure members and the Canberra community that the government will be putting in place a whole new range of proposals and processes for the funding and celebration of Australia Day, including, I am sure, open processes in relation to the tendering of support for the conduct and management of events on Australia Day.

I look forward, certainly, to working cooperatively with the Commonwealth so that we can avoid instability so that the ACT community, through its elected representatives, can celebrate Australia Day in a way that the people of Canberra would wish to see Australia Day celebrated.

Draft water strategy

MR HARGREAVES: My question is to the Chief Minister in his capacity as Minister for Environment.

Mr Smyth: Oh, here is a first.

MR SPEAKER: Order, members!

MR HARGREAVES: Thank you very much, Mr Speaker. On 21 November, the minister released a draft strategy for sustainable water resource management in the ACT, "Think water, act water".

Mrs Dunne: Wow! They respond to our agenda, as usual.

MR SPEAKER: Order! Mr Hargreaves, please resume your seat for a moment. I am not going to put up with this any longer. I am going to warn people and you know what that leads to.

MR HARGREAVES: Can the minister advise the Assembly how the strategy will help the Canberra region deal with water issues over the short and long term? Can the minister outline the process that the government has set in train to finalise the strategy?

MR STANHOPE: Thank you, Mr Hargreaves, for the question. Despite the mocking and the hilarity on the other side, issues about water are very serious and they deserve far more serious attention than the Liberal Party is prepared to give them. It really is a major issue and the draft strategy that the government released last week is the first serious attempt by any government in the ACT to address issues connected with a sustainable water supply now and into the future, for Canberra and the Canberra community. I think it reflects extremely poorly on the opposition that they refuse to take this issue seriously.

Mr Smyth: On a point of order, Mr Speaker.

MR SPEAKER: Come to the point of the question, Mr Stanhope.

MR STANHOPE: The point of the question is the seriousness of a draft water strategy for the ACT. With great pleasure, last Friday, I did release a draft water strategy for the ACT, "Think water, act water". I think it is important that we look at the document as other than static. It will be reviewed regularly. It is not something that we would set in place, here and now, never to be changed. Circumstances change and it is a document that we will be reviewing regularly after this initial period of consultation with the community in relation to the broad range of issues that it encompasses. Of course, we will develop and implement the plan in relation to each of the issues that is raised.

A number of very significant objectives are detailed within the plan—a range of targets or issues that we have to look at. It is not just about ensuring a water resource, it is not just about ensuring that we reduce consumption; it is about a whole range of things. The broad objectives within the plan are:

- to provide a long-term, reliable source of water for the ACT and region;
- to increase the efficiency of water usage;
- to promote the development and implementation of an integrated regional approach to ACT-New South Wales cross-border water supply and management;
- to protect the water quality in ACT rivers, lakes and aquifers, to maintain and enhance environmental, amenity, recreational and designated use values and to protect the health of the people in the ACT and downriver;
- to facilitate the incorporation of water sensitive urban design principles into our urban, commercial and industrial development;
- to promote and provide for community involvement and partnership in the management of the ACT water resource strategy.

I previously announced a number of targets in relation to the achievement of these objectives, for instance:

- to reduce potable water use by 12 per cent by 2013 and by 25 per cent by 2023
- to increase the use of reclaimed water from the current 5 per cent to 20 per cent by 2013
- to reduce the intensity of urban stormwater flows in all new developments and significant redevelopments, so that runoff from "one in three month" rainfalls is no more than it was before development
- to ensure that the level of nutrients and sediment entering ACT waterways is no greater than that entering from a well-managed rural landscape.

In terms of providing a long-term, reliable source of water for the ACT and region, the strategy makes the point that water for our future needs can be obtained by building new water infrastructure or by reducing our per capita mains water use, or a combination of both. Analysis indicates that implementing water use efficiency measures first is the most cost-effective option for Canberra. That goes without saying. However, a range of water supply options are currently being considered by Actew, in case water use efficiency measures are not able to save enough water to avoid creating a new water supply.

Significant work is being done by Actew in relation to that and they hope to have a report to the government about that by the end of the year, contrary to claims and statements that the shadow minister for environment has been making about that. There have been quite misleading and wrong statements made about the extent to which the government is dealing with the issue of identifying possible new water supplies.

The strategy recognises that risk management in the Cotter and the Googong water supply catchments is more important than ever, particularly in view of the severe drought and the January bushfires. We have to face a whole range of issues as the result of the combination of the drought and the fires in relation to the damage to the catchment and even, as we see this week, in relation to turbidity, which has once again become a factor within the Cotter catchment as a result of runoff across denuded parts of the catchment. A whole range of issue arises out of that by itself. These are significant issues for us to deal with.

The strategy also outlines a number of measures through which the community can join with the government in meeting the targets that we have established within the policy.

Australia Day in the National Capital Inc

MR STEFANIAK: My question is addressed to the Chief Minister, as he is representing the minister for the arts, Mr Wood. Yesterday, Mr Wood told the Assembly that he had axed funding for the Australia Day in the National Capital because, he said, "it seems to me that to run two concerts on two nights is not a good idea". He repeated these apparently inaccurate claims in the media.

Australia Day in the National Capital advised the opposition that it applied for funding for a picnic in the park event on the afternoon of Australia Day. There would be entertainment provided by local community groups—about eight of them—supported by Sirocco, but the main focus of the event was a community picnic followed by fireworks. This is in contrast to the National Capital Authority's Australian of the Year ceremony on Australia Day eve, featuring the naming of the Australian of the Year indoors, with

entertainment provided by high-profile entertainers and which would be the national celebration broadcast across Australia.

Chief Minister, can you tell us why Mr Wood misled the community about the nature of the Australia Day in the National Capital Committee's proposal?

MR STANHOPE: The advice I have, which I just related in answer to the previous question, was that Australia Day in the National Capital applied for funding for a second concert, and that this was discussed by Australia Day in the National Capital with staff in Mr Wood's department. They were advised that there was an issue in the duplication of concerts. You can define "concert" in your way, Mr Stefaniak—this was really just entertainment in the park; it was not really a concert for the purposes of the festivals guidelines. The other is a real concert. It is a professional concert with professional singers—high quality artists—but this other concert is not really a concert; it is just people singing and entertaining in the park! It is actually not a concert at all; it is a picnic in the park—it is not actually a concert because they are not sort of professional or high-quality singers or entertainers that are delivering this picnic! They are actually just singers; it is not a concert! That is a great bit of interpreting there.

Mr Stefaniak: It is a picnic in the park.

MR STANHOPE: Yes, they called it a picnic in the park and then had singers. It was actually identified as an alternative concert. They were told it was a concert. They were told there was a policy in relation to the funding of events that are seen to duplicate existing activities. That was the advice that they were provided with on 9 July, Mr Stefaniak, according to the papers. Australia Day in the National Capital met with officers of Mr Wood's department on 9 July. The guidelines and the funding criteria were explained carefully. They were advised to be particularly clear that their proposal did not complement in any way, or duplicate in any way, the concert that had already been announced by the Commonwealth at that time.

That was the nature of the advice that Mr Wood gave yesterday. It is the nature of the advice that I have been provided today by Mr Wood's department in relation to issues around Australia Day in the National Capital. That is the position as advised to me, and I think it is quite consistent with what Mr Wood said yesterday; that is, that the view of the festivals committee and officers of Mr Wood's department was that this was a duplication, and that there was absolutely nothing to be gained in running, on successive days, Australia Day concerts. That was the advice that was given at the time—that we would not fund events that duplicated those that had already been announced.

As I said before, I think there is a real issue here. We acknowledge a real issue in terms of competition between the Commonwealth government and the ACT government and people from the ACT in relation to the celebration of Australia Day. It is an issue where we, as both the national capital and as a community of 322,000 people, do have some conflict in the way we seek to celebrate significant events such as Australia Day. I think it is a pity that the confusion around the celebration of Australia Day has developed. As I say, I have made an undertaking that we will be reviewing quite fully and completely how we as a government and a community support the celebration of Australia Day in the national capital in the future. We will avoid these issues in the future. We will almost

certainly come to a completely new arrangement, probably an open, transparent and accountable tendering process in relation to the celebration of events on the day. We will, I imagine, develop a whole new process to avoid these very issues. We will go to the community. We will do it openly and transparently. We will look to a new way to ensure that we do meet the views, needs and hopes of this community in our desire as devoted Australians to celebrate Australia Day.

MR STEFANIAK: I ask a supplementary question. Chief Minister, what will the ACT government be doing to celebrate Australia Day other than the citizenship ceremony?

MR STANHOPE: We, as all devoted Australians, Mr Stefaniak, will be out there playing whoopee, having fun and celebrating what a great nation it is—and each of us will do it in our own way. Many of us will attend the functions that have been organised. As I just indicated, a range of other events have been organised, with significant funding from the Commonwealth—the NCA—and I look forward to enjoying them, just as I look forward to enjoying many of the other things that I and many others do traditionally on Australia Day.

It is an interesting view of Australia Day and our Australianness, our loyalty and our nationalism that is put about by some. We all have a different view about these things. We don't all have to go off to a flag-raising ceremony and salute the flag. We don't all have to go off and watch marching bands. We celebrate Australia Day, just as we celebrate all national days, in a variety of ways. I think that 322,000 very proud Australians that live in Canberra will find an appropriate way to celebrate Australia Day.

Many of us will perhaps think with regret about all those aspects of being an Australian today that do not bring us so much joy and pleasure. Many of us will dwell on how unAustralian it is to persist with the refugee policies that we persist with. Many of us will probably think how unAustralian it is that we have a government that will not defend Australians locked up in concentration camps in Cuba. Many of us will dwell on all those aspects of why it is not such fun being an Australian these days. We will think about why it is that the Liberal Party thinks it is fine to lock up children behind barbed wire in concentration camps in the deserts of Australia. Many of us will think about why it is not such a good thing being an Australian today—

Mr Cornwell: Mr Speaker, I raise a point of order. I am happy to debate this matter any time if the Chief Minister has the guts to do it, but I suggest that it is not relevant to the question.

MR SPEAKER: Mr Cornwell, the Chief Minister was asked what he or his government would be doing on Australia Day, and I think he was telling you what he was going to be doing.

Mr Cornwell: Oh, so he is going to have a debate on the refugee policy, is he, sir?

MR SPEAKER: Well, what people reflect upon on Australia Day is a matter for the individual, and the Chief Minister, I think, is telling you about it.

MR STANHOPE: And many of us will think about whether it is an Australian thing to do to drag refugee boats back out to sea and hope that they don't founder and sink when they seek refugee status here.

Mr Smyth: I raise a point of order, Mr Speaker. The question was: what will the ACT government be doing to celebrate Australia Day? It didn't ask for the Chief Minister to reflect about the issues of immigration or other issues. It actually asked: what will the ACT government be doing to celebrate Australia Day? If he has got nothing to say because they are doing nothing, then he should just sit down.

MR SPEAKER: I have to say, when I heard the question I thought, "Someone is leading with their chin a bit," if I could be permitted to comment. Chief Minister, would you please wind up?

MR STANHOPE: I am just winding up. They are the sorts of things that some of us will be doing on Australia Day. We will be thinking about all those things that make Australia a great country. We will be thinking of all those things that make us really proud to be Australians. And some of us will be thinking about some of those things that over the last few years have not made us feel particularly chuffed or proud to be Australian—and they go to the things that you and your party have done. They go to the fact that the Liberal Party is happy to—

Mr Smyth: I rise on a point of order, Mr Speaker. Under standing order 118 (b), he is not allowed to debate the subject. He is compelled to answer the question. The question was not about the Liberal Party. The question was: what will the ACT government be doing to celebrate Australia Day other than the citizenship ceremony? You must ask him to answer the question.

MR SPEAKER: Look, it is not my job to sit here and interpret questions and answers, but if you ask a question that invites an answer about what people will be doing on Australia Day, and the government consists of a number of members, the Chief Minister is entitled to answer on behalf of the government.

Mr Smyth: In that case, Mr Speaker, is the minister announcing a forum to discuss immigration on Australia Day, which would be an announcement of government policy, or is he avoiding the question?

MR SPEAKER: The question was in order, and I think the answer is in order as well.

MR STANHOPE: Those are some of the things that we will reflect on on Australia Day that will not make us so proud, and we will reflect on other people who do it tough, and we will reflect on some of the attitudes of the Liberal Party in relation to them.

Mr Smyth: Again, I raise a point of order, Mr Speaker.

MR SPEAKER: Mr Smyth, I have already ruled on that.

Mr Smyth: Under standing order 118 (b), he is not allowed to debate the issue. He is not allowed to comment or reflect upon what the Liberal Party might stand for. He must

answer on behalf of the ACT government, which he has avoided—and he avoids it simply because he has no answer.

MR SPEAKER: Order! If your questions are couched in a way that they invite comment which is uncomfortable, that is not something that I can do much about. You have asked the Chief Minister to tell the Assembly what his government might be doing on the day, and it is open to him to answer it in the way that he responded. But the time has expired, as it turns out.

Mr Stanhope: On the point of order, I think it was in order for me to make those points. I was making points about the policies of the Liberal Party—the things that make us not particularly proud to be Australian.

Mr Smyth: Again, he is debating the issue, Mr Speaker.

Mr Stanhope: I am speaking to the point of order. I was speaking about some of the individual beliefs of this particular branch of the Liberal Party that make us feel not all that particularly proud to be—

Mr Smyth: But you won't talk about Australia Day—

Mr Cornwell: I rise on a point of order, Mr Speaker.

MR SPEAKER: One at a time! Chief Minister, come to your point of order.

Mr Stanhope: On the point of order, I think it is legitimate that I address those issues in relation to the behaviour and attitudes of members of this particular branch of the Liberal Party that make—

MR SPEAKER: Thank you, Chief Minister.

Mr Cornwell: Mr Speaker, on a point of order: the Chief Minister was simply in breach of standing order 117 (c) (i). He was expressing an opinion, sir—his opinion, not ours by any manner or means—on those topics.

MR SPEAKER: No, I think you have got that one wrong, Mr Cornwell. That standing order provides that questions shall not ask ministers for an expression of opinion. Ministers in this place often express opinions about matters. In any event, the time for the response to the question has expired.

Draft water strategy

MS TUCKER: My question to the Minister for Environment, Mr Stanhope, is in regard to the draft explanatory document, volume 2, "Think water, act water". I was interested to read at one point in the background briefing—and this is talking about water supply—that 'So far no attempt has been made to quantify the environmental cost of each option. Measuring and balancing the environmental, social and economic costs of each option will determine the best options for further water supply".

Given that this document, as I understand it—and please correct me if I am wrong—is to stimulate discussion in the community and to inform the government's policy on how to best measure and balance the environmental, social and economic costs of each option, why is it that in this document there has been a reluctance to link even the information that you have in the appendix 2 on riparian zone management with the notion of potential dams? Why has there not been a preparedness to spell out much more clearly the environmental impacts of the particular options of dams in the ACT?

MR STANHOPE: Ms Tucker, there is a preparedness to do that. It has not been done in this document. As I have indicated—and I think it is a comment and a statement that has been oft made—Actew has engaged a range of experts and consultants to advise it on a whole range of issues around the capacity of our water supply to meet our needs into the future.

We are in the process of doing a significant amount of work in relation to a whole range of variables. It is an incredibly complex task to match predictions in relation to population growth with predictions that many are making of the impact of climate change on rainfall patterns within Canberra and the region; issues around the extent to which the damage that the Cotter catchment suffered as a result of the bushfires will affect the water yield in the Cotter catchment over the next 10 to 30 years, and the yield will change very significantly. There is a whole range of variables. While there is some detailed research that has not been concluded, we are trying to match all of those.

As I say, Actew is doing detailed work on this. It has not completed that yet and it will not be complete for another five to six weeks yet. When it is it will be provided to government in terms of the range of potential options, which essentially come down to four. One is our capacity to avoid the construction or the development of any new water supply source—whether or not we can into the future avoid the construction of a dam or construction of any other major infrastructure through steps that we may take. Many people believe that is drawing a long bow; many people believe intuitively that it is impossible. I would like to have a look at the detailed work or research in relation to our capacity to do that.

Then there is a supplementary or secondary consideration in relation to that: if you believe you cannot put off the fateful day in relation to the construction of a new dam or the development of some other water supply option, for how long can the decision be delayed? Then there is another consideration in relation to that: you can delay the decision for so long but for how long can you delay the construction? These are all fundamentally important questions.

There are some that say that we will not need a new water supply facility for 15 years. But in order to achieve that, the decision needs to be made within, say, the next three years. There are others who would say that perhaps the decision could be put off for 10 years, and work fast at the time. There is an issue in relation to the sites that we have currently preserved for new dams. In the ACT we have reserved sites at both Mount Corrie and Mount Tennent.

Just lately and latterly there is perhaps the more lateral proposal which has not been seriously raised previously that a cheaper and intuitively more environmentally friendly prospect is to develop or construct a pipeline from Tantangara to the ACT. But just think

about that in the context of the issues that are involved. It is a New South Wales water supply. At this stage the ACT does not even have a cap. There is no notion fully developed yet in relation to how we would trade water with New South Wales.

There is an awful lot of work being done in relation to all of these issues. Work is being done incrementally. We are working with New South Wales to develop a regional approach to catchment management. We are working with New South Wales at the moment in relation to some of those possibilities for enhancing an all-of-region storage capacity. For instance, New South Wales is now alive to the fact that Yass, with a most marginal and problematic water supply, would be perhaps interested in joining the ACT in some collaboration to ensure a water supply for Yass into the future.

These are issues that are all being discussed. We simply are not in a position in the water strategy that we have developed to deal now with some of the direct or more pressing issues in relation to water policy and strategy to go into detail in relation to each of those issues. Work has stated on each of them. Actew is about to complete a major piece of research in relation to the need, or the potential need, for additional water storage in the future—a decision that has not yet been made. When we make those decisions, of course we will be very open and very transparent about all of the issues you raise.

MS TUCKER: Mr Speaker, I ask the Chief Minister a supplementary question. Can you assure the Legislative Assembly that you will make available to the community and the Assembly a full environmental cost analysis of each option?

MR STANHOPE: Yes. We have no reason not to be fully open and transparent in this entire process. I think we are all aware, Ms Tucker, of the issues around the construction of any new major water supply facility for the ACT, whether it be a dam at Tennent or Corrie, whether it be a pipeline, whether it be some other option. You would know of the option that Paul Perkins has floated. He is something of a champion of the prospect of reusing water from the Lower Molonglo water treatment works by pumping it back into the Cotter catchment, allowing it to filter through the catchment back into our dams and for us to recycle in that way. Professor Perkins does not have, as I understand it, all that many disciples in relation to this proposal. It new, it is done in other places, it is innovative, it is challenging and perhaps it is a possibility.

As I say, that is the stage we are at in relation to this whole issue. None of these ideas, I think, should be dismissed at this stage or dismissed out of hand. But certainly we all know of the major environmental issues that any decision we take will raise for us. I think we are all aware of the vigorous community debate that we can expect around all of the costs of pursuing any of these options.

Ms Tucker: And downstream as well?

MR STANHOPE: Yes.

Civic Square

MRS CROSS: My question is to the Chief Minister, who is representing the minister responsible for public places, Mr Wood. Chief Minister, recently there have been announcements about revamping various sections of the Civic area. The City West plan

and others are to be encouraged as ways of constantly highlighting areas that become a little drab with time and the opening of shops elsewhere.

Hobart Place is being revamped, while Civic Square is turning into a dead end of a place, used mainly for protests. Why is Civic Square being neglected?

MR STANHOPE: I do not believe Civic Square is being neglected at all. There are a whole range of issues in relation to the development and enlivening of Civic. Some of the policies Mr Corbell has announced in relation to our need to ensure far greater densities of residential accommodation and population around each of our major centres are fundamental to our capacity to lift the life of all of our major centres.

There are two issues, Mrs Cross. One is about the appearance, the amenity and the work that has been done for the beautification of different areas of Civic or the different parts of town. The other is about the life that exists within our town centres. Civic certainly faces significant challenges in relation to its description as the major place for shopping and of cultural and community activity. It is an issue for us all.

Fundamentally, we need to ensure that we have much denser levels of residential accommodation in Civic. We also need to maintain a higher level of office space and workplaces in Civic if we are to make it a more vital heart of the city. The City Heart group is working hard to ensure that Civic maintains good aspect and amenity and that we continue to enhance life here.

Many exciting things are beginning to happen: the NICTA development; the City West master planning that has been undertaken, with the potential that it has; and the QIC development of section 56, which is now under way. Some quite exciting developments are occurring all around Civic. As we continue to grow and develop these facilities, the city will meet its real potential.

MRS CROSS: I have a supplementary question. Minister, what specific initiatives has your government put together to encourage better use of Civic Square over the next few months so that this end of Civic can also become a lively and exciting place to be?

MR STANHOPE: Mrs Cross, I can go through each sector of the city in relation to that. We all know that Civic Square by itself has always represented significant problems because no-one lives there and very few people work there. If one was to be particularly cruel, one would refer to the fact that it is where we work and are located and we are not exactly a magnet. More is the pity.

I am not quite sure why one would pick out this square as the square one should devote our energies and resources to. All parts of the city are important. In relation to the life of the city, it is all about critical mass, it is about the number of people that work there and it is about the reasons for visiting. I do not know whether we would look to a policy to artificially create a focus of attention on a particular square just because at the moment it is a little dull.

There is a whole range of issues. You can go to the architecture of the place, you can go to the amenity of the place, you can go to whether or not public transport drops in the place, you can go to whether there is access to the place or you can go to whether or not

there are offices around. Why would people go there? There is very little reason at this stage, and I think that will be the case for some time.

National training awards

MS MacDONALD: My question, through you, Mr Speaker, is to the minister for education, Ms Gallagher. Minister, my question concerns last week's national training awards. Can you please inform the Assembly how the ACT fared at these awards?

MS GALLAGHER: I thank Ms MacDonald for the question. I acknowledge her longstanding interest in vocational education and training. I can tell the Assembly how the ACT fared. We fared very well, actually.

The training awards recognise Australia's best apprentices and trainees as well as training providers and employers and acknowledge the contribution of vocational education, training and skills development to Australia's economy and society. Around 1,000 of the country's training decision-makers and achievers from industry and government attended the event, which is sponsored by the Australian government, through the Department of Education, Science and Training.

Mark Devery, who completed an outdoor recreation certificate IV, was announced winner of the Australian new apprenticeships trainee of the year. Always active and trying something new or improving his current knowledge and skill base in outdoor recreation, Mark's motivation, talent and self-starter attitude have seen him quickly rise to the top of his profession.

Working with Outward Bound Australia for over the past 12 months, he has achieved not only completion of his traineeship but also nationally recognised qualifications in wilderness first aid, river rescue, bronze medallion, certificate IV in workplace training and assessment, and vertical rescue. Throughout his first year with Outward Bound Australia, Mark has proven himself to be a committed, enthusiastic and valued employee. All this enthusiasm is accompanied by Mark's giving nature. He has generously donated time to several community activities, assisting the elderly both in Canberra and the United Kingdom.

The second award was won by stonemason Brendan Church, who was runner-up in the Aboriginal and Torres Strait Islander student of the year category. The judges commented that Brendan was passionate about his industry as well as being actively involved in supporting young indigenous people through a range of community activities. An outstanding employee of Rocksolid Stonemasonry, Brendan is the new face of vocational education and training, a good leader and an excellent role model for his peers.

A great ambassador for stonemasonry, Brendan has a particular affinity for addressing different cultural and social needs of the Canberra community. He is passionately involved in several community service activities such as the traditional games program. As a leader, he teaches traditional Aboriginal games to school children, is also an indigenous mentor as part of a Pathways program and offers career guidance in setting and achieving goals for students aged from 14 to 16 years. He hopes to open his own

business one day and will continue to promote, encourage and help young people to take up a trade.

ACT employers also won two national industry awards. Outward Bound won the recreation industry award, and the Independent Property Group took out the property services industry award.

I extend my congratulations to all the ACT nominees who entered for the training awards and all the winners.

Ministerial code of good conduct

MRS BURKE: Mr Speaker, my question, through you, is to Mr Stanhope as Chief Minister and Attorney-General. As Chief Minister and Attorney-General, does the minister accept that the standards expected of ministers, officials and employees of the government are greater than those placed on the general community when dealing with financial transactions, acquisitions and disposal of assets? Has the minister advised, in clear and unequivocal terms, ministers of the standards that he expects?

MR STANHOPE: I must say that I didn't grasp the—

Ms MacDonald: It's a mystery.

MR STANHOPE: Yes. I didn't grasp the nature of the question. I am not quite sure, in relation to—

Mr Quinlan: Do you love your mum?

MR STANHOPE: Yes. I wasn't quite sure what the question was.

Mrs Burke: Would the minister like me to repeat that question?

MR STANHOPE: I would, thank you.

Mrs Burke: Keep watching the clock; you will still have time to answer. As Chief Minister and Attorney-General, do you accept that the standards expected of ministers, officials and employees of the government are greater than those placed on the general community when dealing with financial transactions, acquisitions and disposal of assets? Have you advised your ministers, in clear and unequivocal terms, of the standards that you expect?

MR STANHOPE: I am afraid, Mr Speaker, I really have no idea what that question is about. I really hesitate to answer a question when I have absolutely no idea what the question is about. I think I won't answer on the basis that I just simply cannot understand the question.

Mr Smyth: Will you take it on notice and supply it in writing?

Mrs Burke: Take it on notice.

MR STANHOPE: There is no sense in taking on notice a question that is just a nonsense. It makes absolutely no sense to me. I have got no idea what the question is about, and I am not going to answer it.

MR SPEAKER: A supplementary question?

MRS BURKE: Thank you, Mr Speaker. Have you advised your ministers, in clear and unequivocal terms, of the penalties that would apply if they failed to live up to the standards that you set?

Mr Cornwell: Or don't you know what that's about?

MRS BURKE: Or don't you know what they are? Or don't you set them?

MR STANHOPE: All I can say, Mr Speaker, is that I do recall one discussion—I think it was in caucus—where I said, "Now, listen, you bastards, don't stuff up." I do recall saying that.

HIV infections

MS DUNDAS: My question is for the Minister for Health. Minister, recent reports have shown an increase in HIV infections in Australia for the first time in almost 20 years. This is not just an increase in the number of people being infected with HIV: it is an increase in the rate of infection, so more people are becoming infected now than over the last 20 years. Minister, are you aware of whether or not there has been a rise in the rate of HIV infections in the territory?

MR CORBELL: I am not familiar with the current status of the rate of HIV infections in the territory, but it would not surprise me if we have seen some increase in the rate of HIV infection consistent with national trends in this area.

A matter of concern for the ACT, and for all the states and territories, is the need to finalise the next national strategy for dealing with HIV in Australia, a piece of work that has been significantly delayed by the Commonwealth government and which was the subject of some criticism by particularly the gay and lesbian community at a function I attended earlier this year. They were extremely critical of the failure of the Commonwealth government to adequately respond to these issues and to progress the next national strategy for addressing the spread of HIV/AIDS in Australia.

The ACT government takes very proactive steps to address issues concerned with the spread of HIV/AIDS and the government is continuing to focus on these issues. I have only recently requested the Department of Health to convene a forum with consumers and service providers who provide and receive services as part of, particularly, the gay and lesbian community in the ACT—those groups have particular interests in this issue—to ascertain the adequacy of our response on a whole range of health service provision as it affects those communities.

It is appropriate to acknowledge that HIV/AIDS is increasingly not solely an issue for the gay and lesbian community in the ACT, or in Australia, but also for the broader heterosexual community. My attention was drawn only this morning to reports from

other countries that HIV/AIDS is now moving far more broadly into the heterosexual community on other continents, and that this is something that has potential implications for Australia.

I will take the question relating to the quantitative figure on notice and provide that information to Ms Dundas.

MS DUNDAS: Thank you, Minister. Besides convening a forum, what are you doing to ensure that Canberrans do not suffer from safe-sex fatigue?

MR CORBELL: Sorry, suffer from what?

Ms Dundas: Safe-sex fatigue. HIV increases because people stop using condoms, because they do not think that safe sex is necessary.

MR CORBELL: There is no doubt that there has to be continual reinforcement of the importance of safe sexual practices to stop the spread of sexually transmitted disease. The government remains committed to using a broad range of mechanisms to continually reinforce that message. For example, the government, through ACT Health and the Department of Education, continues to provide funding for effective messages to be provided, especially to younger people through the ACT government school system. We are also working with organisations such as the Junction, which is a youth health service, to provide efficient and effective information.

The government currently has under consideration—as I do, as minister—a range of other measures that may further improve youth health services to other parts of the city, which will obviously include providing effective information about safe sexual practices.

Small business

MR CORNWELL: My question is to the Minister for Economic Development, Business and Tourism, Mr Quinlan. Will the minister confirm that the government believes that the promotion of employment in small business is a cornerstone of good economic development?

MR QUINLAN: As far as is practicable.

MR CORNWELL: I have a supplementary question. Do you also accept that the government should not unfairly disadvantage small business by providing it with inaccurate information during a tender or bidding process?

MR QUINLAN: I have answered it!

Mr Cornwell: Would you like that again?

MR QUINLAN: Same answer: as far as is practicable. Get to the example!

Draft water strategy

MRS DUNNE: Mr Speaker, my question is to the Minister for Environment, Mr Stanhope. Minister, in your aspirational statement “Think water, act water”, which received a surprise launch last Friday, you claim that Canberra’s water consumption was 62½ gigalitres per annum. That was before the impact of water restrictions. This is much less than the 70.9 gigalitres shown in the Murray-Darling Basin’s 2001-02 *Water audit* released earlier this year or the 76 gigalitres shown in the 2003 *Natural resources atlas*. It is also considerably less than the per capita consumption rate shown on the Actew website.

Yesterday in question time, minister, you denied that you had fudged the figures to present a rosier picture of water availability in the ACT. How do you account for these differences in water consumption predicted?

MR STANHOPE: I acknowledge Mrs Dunne’s interest in the minute detail of the water strategy. I can see it has been given a very close reading. I think there is one aspect of this sort of questioning that we, as members of the Assembly, do need to dwell on, and that actually goes to the extent that this juvenile questioning of a technical detail in a major draft strategy really is an attempt, purportedly, to attack me as the minister.

Of course, as we all know, the document was prepared, after enormous and detailed consultation with the community and a whole range of community providers, by officers of Environment ACT, Actew, ActewAGL and the Office of Sustainability. The document essentially represents the combined skill, expertise and knowledge of Environment ACT, Actew, ActewAGL, the Office of Sustainability and all those community organisations in the ACT with an interest in the environment and conservation.

Mrs Dunne notes that there is not unanimity across documents and different reports in relation to water consumption figures—one document refers to a consumption of 66 gigalitres and another refers to a consumption of 70—and in some way this variation, this discrepancy, of 4 gigalitres in two separate documents represents some heinous failing by me as minister. That is just bunkum.

Mr Smyth: Are you feeling guilty?

MR STANHOPE: I don’t feel a bit guilty about it. I must say that I have absolutely no idea how our officials and our instrumentalities measure water consumption; I have not got a clue. I assume they have a little tap with a gauge on it somewhere. But I have no idea.

I am more than happy to go away and ask Actew, ActewAGL, the Office of Sustainability, Environment ACT and the conservation council—and as a result of this question I will—how they made this dramatic claim in this document that we only consumed 66 gigalitres of water last year. I will actually ask them all to explain where the figure came from and I will ask them to check their maths.

Union officials—rights

MR PRATT: Mr Speaker, my question, through you, is to the Minister for Industrial Relations, Ms Gallagher. You are proposing to amend the Occupational Health and Safety Act to bring it in line with the relevant New South Wales legislation. Section 77 of the Occupational health and Safety Act 2000 (New South Wales) provides:

> An authorised representative of an industrial organisation of employees may, for the purposes of investigating any suspected breach of the occupational health and safety legislation, enter any premises the representative has reasons to believe is a place of work where members of that organisation (or persons who are eligible to be members of that organisation) work.

Minister, this would give union officials greater powers than the police who must obtain a warrant before they enter premises without the permission of the owners of the property. Why are you proposing to give union officials greater powers than the police to enter any premises?

MS GALLAGHER: I thank Mr Pratt for the question. We certainly are planning to increase the powers of union officials to enter workplaces. If you take the time to look at all the international and national research, it shows that where you have union activity in workplaces, particularly around OH&S, those workplaces improve their occupational health and safety standards.

This government is not concerned with unions; we are happy to work with them. We think they provide a positive influence in workplaces, and we are pleased to bring us in line with New South Wales.

As you said, recommendation 16 of the OH&S Council provided to me was that the OH&S Act be amended to provide a right of entry for union officers to enter workplaces and investigate suspected breaches of the OH&S Act similar to provisions in the New South Wales OH&S Act. Currently union officials in the ACT have the right of entry under the federal Workplace Relations Act, but this is limited to inspecting suspected breaches of industrial legislation, awards and agreements. It is not proposed that union officers have formal enforcement powers.

However, allowing unions access to workplaces to investigate safety breaches will promote compliance by encouraging informal resolution of safety issues of the workplace. This will complement the formal compliance and enforcement activity undertaken by government regulators. As I said, there is clear international evidence that links union activity at workplaces to improved health and safety outcomes.

I am proposing to amend the act to allow right of entry for union officials. This recommendation was strongly supported by the employee representatives on the OH&S Council and the OH&S Commissioner in their advice to me.

MR PRATT: On the matter of the legislation, Minister, are you suddenly rushing to introduce this legislation—given that the review of OH&S, in the time of your government, is over two years old—because you are trying to curry favour with the electorate prior to your preselection?

MS GALLAGHER: Mr Pratt, there was a media release from you on Tuesday asking what the government is doing about OH&S reform and why is it taking so long; so I am at a bit of a loss to know why you are now accusing me of rushing through legislation that—

Mr Pratt: But you did not rush the review, did you, Minister?

MR SPEAKER: Order! You have had your question.

MS GALLAGHER: The matter of who started the review is a little irrelevant.

Opposition members interjecting—

MS GALLAGHER: The review has been conducted by the OH&S Council. It was out of my hands. The council provide independent advice to me. They conducted the review. They gave the result to me a couple of months ago. It has had to go through the normal government processes and go through cabinet prior to my making any announcement.

Mr Pratt: Inaction.

MS GALLAGHER: It is not inaction, Mr Pratt, but you can sit there and accuse me of it if it makes you feel better. The legislation has not been drafted yet so, again, the expectation is that I will rush through legislation that is not even before the Assembly. The plan is to put it together next year. I am hoping that it can go through as soon as possible because this government takes workplace safety very seriously, Mr Pratt. I want you to join me on the journey but, if you are just going to sit there and accuse me of slowing things down and not doing things, then that is your prerogative.

We are putting together a very progressive OH&S reform package. Part of it will be debated tomorrow. The rest has been produced during extensive consultation about the OH&S compliance review over a number of years. We will be acting on that next year when the legislation is ready. You can have your say about it then.

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

Supplementary answers to questions without notice

Draft water strategy

MR STANHOPE: I took a question on notice yesterday from Mrs Dunne on the water strategy, another one of her tricky little questions, and I have a response to that. I present the following paper:

> Draft water strategy—Answer to question taken on notice from Mrs Dunne.

Workplace safety

MS GALLAGHER: Yesterday, Mr Pratt asked me how many infringements of the OH&S Act have occurred in the ACT and what action ACT WorkCover has had to take against workplaces or individuals for infringements of the OH&S Act. The answer to the

member's question is as follows: in the 2001-02 financial year, 77 improvement notices were issued by WorkCover, 39 prohibition notices were issued by WorkCover and one prosecution was finalised under the OH&S Act, amounting to a total of 117 recorded infringements. In the 2002-03 financial year, 80 improvement notices were issued by WorkCover, 48 prohibition notices were issued by WorkCover and two prosecutions were finalised under the OH&S Act, amounting to a total of 130 recorded infringements.

Paper

Mr Corbell, on behalf of **Mr Wood**, presented the following paper:

> Legislation Act, pursuant to section 64—
>
> Cemeteries and Crematoria Act – Cemeteries and Crematoria (Fees for 2003-2004) Determination 2003—Disallowable Instrument DI2003-297, together with its explanatory statement.

Personal explanations

MR CORNWELL: Mr Speaker, I wish to make a personal explanation under standing order 46. Yesterday, in response to a question from Mrs Dunne, the Chief Minister commented that the announcement of the draft water strategy Think water, act water was another event that the Liberals boycotted and sought not to attend. I wish to state, Mr Speaker, that I was not invited to this function on Friday, 21 November at 10.00 am. Therefore, I could not attend, far less boycott, it. In any event, I was at the 11 o'clock launch of the Anglicare Christmas appeal, which was not attended by any other MLA, least of all members of the Labor Party.

MRS DUNNE: Mr Speaker, I would like to make a personal explanation under standing order 46. Yesterday in question time in response to my question, the Chief Minister said that the launch of the water strategy had been boycotted by the opposition. I would like to place on record that I did not receive an invitation. I received notification of the launch through a request from the media and at 10 o'clock, at the time of the launch, I, along with some other members, was scheduled to be at a meeting of the Planning and Environment Committee. It was commented on at the Planning and Environment Committee meeting that many of the members present would have afforded themselves the opportunity of attending the launch had they been invited.

MR STEFANIAK: Mr Speaker, I too seek to make a personal explanation in relation to that event. I too was not invited.

MRS BURKE: Mr Speaker, as a personal explanation, I would also like to say that I was not formally invited to this event.

MR PRATT: Mr Speaker, ditto, ditto, ditto.

MR SMYTH (Leader of the Opposition): Mr Speaker, under standing order 46, I would like to make a personal explanation. Yesterday, during question time, the Chief Minister said that this was another event that the Liberals boycotted and sought not to attend. "Sought" means that we actively attempted or were successful in not attending a function

that he had organised. Unfortunately, the Chief Minister forgot to send out the invitations. Therefore, it was impossible for us to attend.

Mr Hargreaves: I take a point of order, Mr Speaker. The issue is that personal explanations pertain to individuals, not to organisations. Mr Smyth is referring to an organisation.

Mr Cornwell: I wish to speak to the point of order, Mr Speaker.

MR SPEAKER: On that point of order, I think it goes to the members of the Liberal Party who are members of this Assembly and they are entitled to respond.

Currong apartments

Debate resumed.

MS TUCKER (3.38), in reply: I would like to summarise the arguments as I heard them and rebut them. I will start with Mrs Burke. She seemed to be saying that she thought it was a bit out of line for me to be raising the motion. I am not quite sure of her point there. It is the case that members of the crossbench—certainly, Ros Dundas and I—have been working quite closely with Currong, as has Mrs Burke. She certainly does not have unique rights to that issue.

I think it is odd, considering the comments and statements she has been making publicly, that she will not support this motion and that the Liberals will not support it. It seemed to be that the argument was that a decision has been made and the matter is the government's responsibility. Obviously, that is totally inconsistent with the intent of most of the motions that the Liberals put, and rightly so. The role of the opposition is to challenge the government if it thinks that what the government is doing is not in the public interest. That is what I am doing at this point.

The other argument Mrs Burke seemed to be putting was that support for this motion would put people at risk. People are living there now and will be for up to 12 months. If they are so seriously at risk now, I am not quite sure why Mrs Burke is not demanding much more urgent action of some kind. She also said that the reports show that we have to get rid of the complex, that we have to close it down. That has to be very seriously challenged. If you look at the reports you will find that that is a very weak argument. I did go to quite some length in my speech to explain how the recommendations of those reports varied and how they described various options which did not necessarily end up with demolition or the closing of Currong flats.

Mrs Burke: That decision hasn't been made yet, Kerrie.

MS TUCKER: Mrs Burke interjects that the decision has not been made. I said closing Currong flats—

Mrs Burke: You talked about demolition.

MS TUCKER: I said demolition and closing; you need to listen, Mrs Burke. The point is that the decision has been made to close Currong flats. I am saying that that decision

has been ill-thought-out, because we know that there is no way that the government is going to be able to provide that number of units and deal with the unmet need on the waiting list. There is no way you can argue that closing Currong flats and removing 200-odd units from the supply is not going to have an effect on the housing crisis in the ACT. Mrs Burke talks about the housing crisis often enough, so I am surprised that she is not being more supportive of the pleas from the community and the community service organisations that are working with the homeless people and others experiencing this crisis and supporting this motion.

Another argument was put that people may want to leave anyway, because they can choose to leave if they want and ask for transfers. As we know, it is very difficult for people to get transfers because of the housing crisis that exists. Real concerns are being expressed by members of the community who deal with these issues about this key housing asset being closed at this point in time.

The minister did not justify adequately in his speech why it is that he thinks that it is more cost-effective or socially effective to close Currong apartments at the moment. The minister needs to justify the government's decision on Currong in terms of the impact it will have on the waiting list for public housing, on the overall numbers for public housing, and in terms of the cost of having alternative ways of providing 212 units of accommodation for similar people in a similar location.

The minister acknowledged just yesterday that we really need to be increasing the amount of public housing. That will require money to be spent, but it will prevent other social problems from worsening, which is the key point that we have to focus on. We have to focus on the human beings in this town who do not have proper housing.

I have also raised with the Treasurer the potential for introducing innovative ways of funding new public housing in the ACT and he has said that it is not a matter for his decision; it is for the government's decision. I direct it to the government, although I am sure that the Treasurer will have a strong influence in this connection. We need to be looking at innovative ways of doing so because providing public housing is really the only way to have a buffer for vulnerable people against the housing market. I have proposed, for example, the use of government bonds to fund an expansion of public housing, but the government does not seem to have taken that up.

I remind members that most of the decline in stock over the last five years has come from selling off multiunit properties. There were, of course, the fires, but the last annual report makes quite clear that the decline in property numbers over the past few years is a result of the sale of several multiunit sites that no longer provided appropriate housing for public housing tenants, including Burnie Court in 2001-02 with the loss of 263 units, Mawson Gardens in 2001 with the loss of 56 units, and Lachlan Court and Macpherson Court in 1999-2000 with the loss of 262 units. Prior to that the decline in property numbers was due to the transfer of 209 properties to the community housing sector.

We are not in a situation where we can afford to further deplete the housing stock, particular when there has been no good argument put for doing so. It is possible to refurbish. I was interested in Mr Wood's comment about there being 20 years left. I had not heard that figure before. I have asked him to give us a reference so that we can understand where it has come from. As I understood him, he was saying that to maintain

them for 20 years would cost $100,000 per unit, which would be $5,000 a year per unit, if my maths are right. I just think that you have to look at that against what it is going to cost to rebuild that number of houses in the ACT, plus, as I said, the impact on the existing waiting list, which has to be significant; you can't get away from that.

In conclusion, I would like to say that I believe that this motion is very important to the general debate about housing in the ACT. I think that it was a very serious error on the part of the government to choose to close down Currong at this point in time. I acknowledge that it has caused uncertainty for people in the apartments. Ms MacDonald said that the worst possible thing we could do would be to cause more uncertainty for them. Given that a number of them want to stay there and given that this decision is going to impact negatively on the most vulnerable people in our community who are still waiting to get a house, an apartment or a flat and who are less likely to get one as a result of this decision, I do not think that the closure can be justified.

Question put:

> That **Ms Tucker's** motion be agreed to.

The Assembly voted—

Ayes 3	Noes 12	
Mrs Cross	Mr Berry	Ms MacDonald
Ms Dundas	Mrs Burke	Mr Pratt
Ms Tucker	Mr Corbell	Mr Quinlan
	Mr Cornwell	Mr Smyth
	Ms Gallagher	Mr Stanhope
	Mr Hargreaves	Mr Stefaniak

Question so resolved in the negative.

Motion negatived.

Fire, Emergency Services and Ambulance Authorities Bill 2003

Debate resumed from 20 August 2003, on motion by **Mr Pratt**:

> That this bill be agreed to in principle.

MR CORBELL (Minister for Health and Minister for Planning) (3.50): Mr Speaker, on behalf of Mr Wood, I am responding to this bill on behalf of the government. Mr Pratt has presented to the Assembly a substantial bill—the Fire, Emergency Services and Ambulance Authorities Bill 2003—which establishes three new authorities to manage the various emergency services in the ACT. The clear intent of Mr Pratt's bill is, partly in response to the McLeod report's recommendations on governance of emergency services, to give emergency services a level of independence from government and bureaucratic processes in the management of the business of those services. For that, I think Mr Pratt should be congratulated.

We need, in developing the governance and management structures for emergency services, to be mindful of the events of the past and of the absolute necessity for each of the relevant organisations to operate within a cohesive and cooperative framework, but with sufficient freedom from external interference to be able to respond effectively in any emergency situation. That said, the government does not believe that this bill contributes in any real way to the ability of or obligations upon the various services to work together within an integrated framework. I think that this is an essential element in any successful reform of emergency services.

For this reason and for a number of other reasons which I will be outlining, the government will not be supporting this bill. Before outlining those reasons, however, I would like to thank Mr Pratt for his willingness to engage in discussions with officers of Mr Wood's department on the restructure of emergency services and to hear alternative arguments. I hope that all members will continue to show the same openness as debate on this critical review proceeds.

Members will be aware that the government proposes to engage with emergency services officers and stakeholders in a comprehensive consultation process. That has already begun. The aim of that consultation is to develop and implement an emergency services authority in line with the principles enunciated in the recommendations of the McLeod report. Members will be aware that the new Commissioner for Emergency Services—Major General (retired) Peter Dunn—has now been appointed. He will be vital to the consultation process for the development of the new authority.

Through this consultation process, the government proposes to develop a model for an authority that: strengthens the cooperation between the ambulance, bushfire brigade, emergency services, and urban fire brigade elements of our emergency services framework; places the operational and day-to-day management responsibilities of the authority at arms length from the public service; draws the several emergency services entities together under one management banner, with the aims of improving the efficiency and responsiveness of all of them and of enabling them to make better use of their resources; facilitates a joint approach to planning for and responding to emergency events; and provides the territory with a framework that serves as a leading example of integrated emergency services management.

I understand that, in developing this legislation, Mr Pratt has consulted with a number of stakeholders. However, it is clear that a number of significant issues remain unresolved at this point. The government is pursuing the best possible understanding of those issues by inviting submissions on appropriate structures, which is already under way, and by arranging detailed discussions with key agencies and interest groups. That process, as I have indicated, has begun and will continue until legislation is presented in this Assembly.

In opposing this bill, the government believes that the bill does not address the issues that need to be addressed prior to an alternative governance of emergency services being established. As I mentioned, the bill does not bring the entities that plan for and deal with emergencies closer together. In providing for their independence from the day-to-day intervention of government and bureaucracy, it also makes the respective services more independent of each other.

The government believes that the concept outlined in Mr Pratt's bill should be substantially modified to provide for a more cohesive governance framework. A more collegiate relationship between the entities would not only bring greater flexibility and efficiency to resource management but also greatly improve planning for and responses to emergency situations in many cases.

The McLeod report made some very clear and fundamental statements about the kinds of changes that must be made to the management of emergency services in order to achieve an integrated framework for the governance of all of the services under a statutory authority. Mr Pratt's bill is inconsistent with those fundamental statements. The government believes that it is entirely possible to meet the intent of the report through the integration of all services under one corporate banner.

An act establishing a new authority should contain a statement of objects clearly articulating the roles and responsibilities of the ambulance, bushfire brigade, emergency services and fire brigade arms of the authority and the level of service to which they should aspire. It should also express the value that this community places on the individuals who serve—differently but equally—including our community's high regard for the special contribution of volunteers.

The bill does not make clear what is to be the employment status of officers of the new authorities. Not all of the existing staff members are employed under the Public Sector Management Act, for example, and the government's concern, amongst many, is that this bill does not address that. It should be noted, for example, that fire brigade officers are employed under the terms of the Fire Brigade (Administration) Act 1974. Those terms differ from the terms set out in the Public Sector Management Act.

In addition, Mr Pratt's bill provides for the establishing of three boards of management, one for each of the proposed new authorities. The McLeod report recommended that the new chief executive, the commissioner, should report directly to the minister to put effect to the desire to reduce the level of bureaucracy. The government believes that the establishment of not one but three boards seems excessive in terms of both the management requirements for the function and the financial burden on the territory.

Having created three boards of management, the bill does not go on to establish any relationship between those boards or between the boards and the chief officers of the various emergency services entities. The government believes, as I have said, that an effective relationship between the entities and their chiefs is critical to the success of the new authority. Regrettably, Mr Pratt's proposed structure only confuses the roles and responsibilities further and creates no clear lines of accountability. The principal aim of this reform process should be to achieve a governance framework that brings the operations and objectives of the services together, not one that makes them more independent of each other.

Importantly, this bill does not contain any transitional or consequential provisions. For example, the bill sets up a bushfire authority, including a bushfire advisory council, but makes no amendments to the Bushfire Act 1936. Effectively, under the bill both the bushfire advisory council and the bushfire council would exist and it is clear that there would be significant overlaps and inconsistencies of roles and responsibilities.

I understand that Mr Pratt has acknowledged that more work is needed on the transitional and consequential aspects of this proposal. For this reason and for the others I have outlined already, the government does not believe that it is appropriate for the Assembly to debate and pass this bill on the basis that the hard parts can be looked after later. Those are the parts that will make the authority function properly and they should be fully explored before, not after, this Assembly agrees to any new model for the governance of emergency services.

Mr Pratt has made an important contribution to the debate on this significant policy issue, but much work still needs to be done. The government will not be supporting this bill, not because we believe that Mr Pratt's thinking is fundamentally flawed or misguided, but because much more should be known, considered and done before this Assembly proceeds to debate. On behalf of Mr Wood, I indicate that the government will continue to discuss this matter with Mr Pratt and will continue to work with stakeholders to develop the best available management framework. I ask members to take on board what this bill presents for discussion, but to oppose the bill at this time.

MS DUNDAS (4.00): Mr Deputy Speaker, the ACT Democrats will not be supporting Mr Pratt's bill today. I acknowledge that there have been important questions raised by successive inquiries about the operation of ACT emergency services, but this bill, in response, basically divides the emergency services into three separate, standalone authorities. My understanding is that this is to allow greater autonomy for each service to operate independently and to reduce high-level interference with the operation of each agency.

I agree that Mr Pratt has generated some useful ideas with this piece of legislation, but I think that those ideas deserve some serious consideration through the consultations and the development work that are currently occurring within emergency services. However, I am far from convinced that the model before us today is necessarily the best model. In particular, the issue of how communication occurs between organisations has not been thoroughly addressed. I believe that we need to have those answers before moving forward with any proposal.

The minister has just stated that there are a number of issues that are yet to be resolved and more work needs to be done. I think that is a very important comment to make. I think that a lot of that work is happening in an environment in which an outcome has already been predetermined and prejudged. It appears that there is a race on to restructure the emergency services bureaucracy. We have seen various models put forward, but the emphasis has been on changing the organisation of the bureaucracy rather than dealing with the significant on-the-ground operations problems that have been identified.

The option of leaving the current structure largely intact does not seem to have been considered. The option of going back to what the current legislation says but is not necessarily being done on the ground also has not been considered. I think that this is due to a reactive approach by the government, which seems to be more interested in projecting a public image of change than in actually addressing operational shortcomings. In the pressure to be seen to be doing something, the government has not considered whether its actions will result in organisational improvements in emergency services. Instead, it appears that we are having a shuffling of the deck chairs which will produce no additional capacity to respond to a large-scale emergency.

The level of consultation and consideration of those who were involved in the front-line action during the bushfires has been missing from the debate. They seem to be saying that they have been largely dismissed in the process. I know that we have all, as members of the Assembly, gone out of our way to have meetings with different organisations involved in disaster management in the ACT, but that is an individual process that has been happening. There has not necessarily been a coordinated approach. I think that the concerns that have been raised in this chamber again and again about how the people involved in emergency situations are actually debriefed are still valid today.

In looking at the structure of emergency services—in this case, separate fire, emergency services and ambulance authorities—it appears that the people on the ground have been left out and the focus has been more on what is happening at the higher levels than how things will actually work at the grassroots level. I think that we need to work more on trying to understand the internal communications and operations within these units. The question of what level of responsibility should be granted to whom in dealing with a large-scale disaster does not seem to have generated much interest by government and I do not think that it is effectively dealt with by this legislation.

A round table was convened by Ms Tucker to try to get some movement on this issue, but the process seems to have fallen apart due to the reluctance of some participants to work to a consensus. I think that the opposition has become frustrated, as have many others, at this lack of progress and has brought this bill on for debate today to move the debate forward. I hope that that will have some effect and that we will go back and sit down with the people on the ground and ask them what went wrong in their view or what went right in their view.

I think that the problem is that both the opposition and the government have put forward models and said, "This is what we're going to work towards. We will consult, as long as the answer is what we said it will be," but they have not left open the opportunity for people to say that they think that something worked pretty well and would like it to stay or that they think that something did not work very well, but it could be fixed through a much simpler mechanism than changing the entire bureaucracy.

I note that we have had recently the appointment of Major General Peter Dunn. I think that his role will be quite important in the consultation phase, but he needs to remember that consultation works only if the input that people are putting forward actually has an impact on the decision making process and the decisions are not already made. I wish him luck in working with employees and volunteers to find a sensible and consensus solution to the operational problems that were identified not only in 2003 but also in 2001.

The real test will be the response of the government to the current bushfire season and whether we will be able to rebuild the enthusiasm and commitment of the volunteer bushfire fighters. The whole debate continues to leave some volunteers feeling shut out of the process and unrewarded for their dedication to protecting the lives and property of the people of Canberra. I think that that is a very important consideration in this whole debate, in that we can continue to shuffle organisations around, but we are dealing with people in the end, people who put their lives on the line for our city, and that needs to be respected.

As I said, Mr Pratt has generated some useful ideas and the government now has a consultation process in train, but we cannot work on a consultation process that has predetermined outcomes that do not allow members of the emergency services to put forward their views and their solutions. I hope that we will have a real consultation process and that we will be able to move forward, but most of all I hope that our emergency service organisations and our volunteers will be prepared for the upcoming seasons, that their dedication will be still there and that they will be still willing to do the work to protect this city, because without them this city would be lost.

MR HARGREAVES (4.07): As the government has already said, Mr Pratt's bill—the Fire, Emergency Services and Ambulance Authorities Bill 2003—makes a good start on reform of the governance arrangements for emergency services, but it falls short of the mark in a number of respects. The government's main concern with this legislation is that it divides, rather than consolidates, the management of our emergency services. By creating three separate authorities, each with its own functions and management structures, this bill would ensure that emergency services would be managed in three kingdoms and each kingdom would be counselled by its own advisory committee, managed by its own board, operate under its own chief executive and employ its own staff. As an aside, I recall a former Chief Minister and Attorney-General, Mr Humphries, advocating in the last Assembly the collapsing of all of the emergency services legislation into one bill. We have a bit of a contradiction here.

It is important for members to note that some aspects of the operations of our emergency services are already jointly managed. In particular, the Emergency Services Bureau's communications centre, information technology, personnel management, payroll and financing functions are managed between two or more of the various services or within the Department of Justice and Community Safety. There is nothing in this bill to draw the many and varied functions of the agencies closer together and it is a very strong desire of this government to achieve that objective.

I should note that the bill provides for each of the authorities to have the benefit of a provision requiring government agencies to assist the authority in carrying out its functions. I will say that again. It provides for each of the authorities to have the benefit of a provision requiring government agencies to assist the authority in carrying out its functions. I think that we would all support this concept in principle. In fact, section 26 of the Emergency Management Act 1999 makes similar provision for the Territory Controller to require a department to lend assistance in a state of emergency.

Whilst I acknowledge Mr Pratt's sentiments in inserting these provisions, I note the government's concern that there is no limitation on the power to press a department into service. It could be invoked at any time, whether there is an emergency or, indeed, any incident. It could be invoked for any reason, including the need of an authority to have its paperwork done by a department. It could be accompanied by a direction from the authority that could, under this bill, be very specific about how assistance is to be given and thus introduce the concept of general direction of a department by an authority. The government would be pleased to consider the merits of extending the requirement for assistance by departments beyond state of emergency situations. However, the requirement as framed in this bill is excessive.

On a minor matter, I see that Mr Pratt's bill refers to the position of fire controller. This position does not exist—a matter which, I am sure, is capable of correction. Returning to more fundamental issues, there is a need to establish a single, strong, cohesive and decisive authority that is capable of effective operation in all situations and that is not fettered by undue interference by either political or bureaucratic activity. On that theme of bureaucratic activity, any legislative reform must surely take full account of the costs involved in establishing a new governance structure. The government has certainly done that and has reached the conclusion that it would be both inappropriate and expensive to have an authority managed by a board, let alone three authorities managed by three boards.

Who among us remember there being in the mid-1980s a health authority, a community health board and a hospitals board on which sat the former Chief Minster, Mrs Carnell? I was an employee of the then Capital Territory Health Commission, which became the ACT Health Authority at that time, and I have intimate knowledge of the management and bureaucratic chaos which ensued. That system only added an extra layer of bureaucratic burden, flick passed the responsibility for mediocrity, and added to the cost. It also delayed the implementation of sound recommendations which came up from time to time. The government will be pursuing a model that involves a single authority headed by a single person, a commissioner.

I would like to repeat the government's appreciation of Mr Pratt's efforts on this matter to date. However, for the reasons I have stated, the government will be opposing the bill.

MS TUCKER (4.13): The Greens will not be supporting this bill today, although I acknowledge that Mr Pratt has put a lot of work into the bill and I acknowledge that he took part in the round table I organised in an attempt to have a more collaborative and informed development of the question of how to reform management of our bushfire, urban fire, ambulance and emergency volunteer services.

I would also like to acknowledge that we have not progressed to the next stage following the round table, which is something for which I had taken responsibility. The main reason for that is that the new CEO has been appointed and only started work last week. I hope and anticipate that we will have further discussions together as a way of informing ourselves and developing in a constructive way the future management of these services.

Clearly, this is an important issue for the safety of territory residents. The main element of difference in Mr Pratt's approach is that it seeks to separate the board structure and elevate the power of the heads of the component service organisations. However, the government and the new commissioner are, as I understand it, engaging with stakeholders in the community as part of the process of developing the new model.

I have had several meetings with rural and urban fire service representatives and emergency services people. Originally, they were very concerned because they felt that they had been locked out of the process. They were not particularly impressed with Mr Pratt coming out with a bill at that time, because they felt that they had not been included in his thinking. Since then we have had a number of meetings—I understand that Mr Pratt has had them, too, and the government is having them as well—and, as far as I know, they do not feel any more that they have been locked out of the process.

The general feedback that they were giving us was that they were concerned about signs that the Emergency Services Bureau would continue as a powerful structure on top of the operational control and expertise of the different services. They emphasised the specialist and very different tasks of the services and made a case for a stronger and better coordinated response being built on internally strong services.

The urban firefighters representatives pointed to drastic reductions in their training budget from the time the services were merged into the Emergency Services Bureau. That was given as an example of how the merging of management had led to a weakened service and one less able to work cooperatively. On the other hand, I also hear about historical territorial disputes in other jurisdictions and I think that these stories need to be sorted out. There is also the question of whether it is appropriate to manage ambulance services within the same structure as the fire response.

I agree with the minister that we need to take these arguments and suggestions on board and continue to work with stakeholders. I would point out, though, that I would be very concerned if the structure of the boards did not include representatives of all the land managers and it did not require consideration of environmental management priorities and knowledge. I think that this is essential. It is entirely possible to conduct good bushfire prevention work focusing on land managers working on their own boundaries while not compromising environmental values. It is essential that that be done at the design stage.

MR SMYTH (Leader of the Opposition) (4.17): Mr Deputy Speaker, from the comments of the members who have already spoken to this bill, there is much to be complimented in the work that Mr Pratt has done. I want to go to something that Ms Dundas spoke about when she said that she was concerned about a predetermined or a prejudged outcome; that is, the concern of volunteers on the ground. When the McLeod report was tabled and the government responded that it would accept all the recommendations there was dismay, particularly among the rural firefighters, because the model in the McLeod report does not work. That is the opinion after years of experience of the volunteer brigades.

Indeed, not long after the McLeod report was tabled and the government said that it was going to implement McLeod, there was a meeting of the Volunteer Brigades Association. All members of the volunteer brigades were eligible to turn up and the representatives of each brigade were eligible to vote. The Chief Fire Control Officer gave a presentation on what was happening and, when quizzed about what the government intended to do, could not answer any of the questions. That was not his fault; the government had not told him.

The stock standard answer was" "We're going to implement McLeod." "What does that mean for us?" "We don't know?" "What can you tell us about the new model?" "It hasn't been decided." But it is the predetermined, prejudged position of the government that should be of huge concern to all here today. That is why we have determined to proceed with our bill.

The meeting of the Volunteer Brigades Association had a general discussion after senior officials had left about what the brigades wanted and what the members wanted. In the end, because no-one could decide, I was asked to put on a series of whiteboards in that meeting room details of the different sorts of models as they existed at that time. I said to

those people, "Be very clear about this: I am the Leader of the Opposition and I am also a volunteer. I don't want to be accused later of politicising this issue, but I'll do what you want." As we discussed each of the models, I reiterated that I was a volunteer, but I was also the Leader of the Opposition.

The models put up included the current model, the ESB structure, and the McLeod option. I put up Mr Pratt's option and there were several others. We worked our way through them and, in the end, the models were all rejected and removed from the whiteboard, except the basic Pratt model, which the brigades then modified. They wanted a few bits and pieces added and a bit of clarity, but it was basically a modified Pratt model that the Volunteer Brigades Association voted on and said, "That's what we would like." This legislation today would enact that.

The question for the government is: if they are going to implement McLeod, how do they address the needs of the volunteers? Some of them—not all, but a large number—still feel left out of the process. It is curious to reflect on the fact that several months ago this Assembly passed a motion calling on the government to do a number of things, one of which was to acknowledge, as was done after the Christmas 2001 fires, the fabulous efforts of the volunteers with some sort of welcome to the city parade. For the 2001 fires, volunteers received a small badge—a lapel pin—and a patch that they could put on their clothing. That is the lapel pin. I carry mine quite proudly. But I note that nothing has been done to implement that motion of the Assembly. We will come back to that in coming days.

The thrust of the matter is that at some stage you will have to listen to the volunteers. I guess that is why we are hearing particularly from the government, as Mr Hargreaves said, that this bill is a good start. If it is a good start, it is a start that rejects McLeod. It says that the McLeod model does not work. Minister Corbell also mentioned that Mr Pratt was to be congratulated on the work he had done.

The objections seem to be—the consequential amendments are not available, but I understand that Mr Pratt has those already prepared and is ready to roll with them—that he has not worked out some organisational arrangements. Of course those things need to be worked out, but the advice from the parliamentary counsel was that this bill was the basis for doing so. Once you have got the basis done, you can put the other bits and pieces in place around it. But the government is still going to implement McLeod.

Your brigades are telling you that McLeod is wrong. The emergency services brigades are saying that they reject McLeod. The emergency services brigades as opposed to the Emergency Services Bureau—the guys in orange as opposed to the guys in yellow—actually want their status raised. They would be quite happy to have their own board directing their operations, because they were so submerged in the Emergency Services Bureau model that they are feeling a loss of identity. They are very scared that having a super organisation will only exacerbate that problem, instead of freeing them up, allowing them to do their job and recognising what they do.

There is a fundamental decision to be made here today as to which way to go. It is quite true that it has never been put to every single volunteer, but their representatives did agree to a modified Pratt model. Do we follow the modified Pratt model or do we keep

going with McLeod? The government is saying, "We can't do Mr Pratt's; we're going to do McLeod." They are in conflict with all their volunteers.

In question time, the Chief Minister said, "We're going to be honest, open and accountable. We'll be out there listening." They are listening with closed ears. The words of the volunteers are falling on deaf ears and the government has problems out in the brigades. In the last five or six months we have raised the issue of morale and preparedness for the coming season. A lot of good work has been done, but there are still a significant number of volunteers who feel they are not being listened to. The Volunteer Brigades Association voted for a modified Pratt model and I believe that this legislation would allow what was voted on to be established.

Mr Corbell said that the process has started. That is the point: the process has started and is going on and on and on. One of the failings of this government, one of the murmurs in the community about this government, is that they are willing to talk something to death, but they are not willing to act, they are not willing to make decisions, they are not willing to lead on issues. We need clear leadership and a clear position on this issue and I do not think that it is too much to expect that to have occurred by now.

Mr Pratt managed to get around and talk to most of the organisations involved and he managed to garner from them support for his proposal. We have seen that support in the form of letters and commentary in the *Canberra Times* and discussion in the media, but we are yet to see any evidence that the government actually has a workable model. The fire season has already started and the cycle is still pretty bad, although some rain on the weekend has helped. All it has done is delayed the start of the season somewhat and promoted the growth of grass.

If the rain goes away and the summer heat comes in January, February and March, as it normally does, we will have more fuel and we will not have an answer. We have gone into this season basically with the same structure as last year, a structure that Mr McLeod said did not work and a structure that the Auditor-General said was dysfunctional, but we have a government that is complacent enough to take this structure into the current fire season. You have to ask why.

The objection seems to be that there will be too many boards. These are different trades, as it were; these are different areas. Being an emergency services volunteer is different from being a full-time professional metropolitan firefighter. Being an ambulance driver or a paramedic is very different from being a volunteer bushfire fighter. They are different trades. They actually deserve, I suspect, I think, I believe, I know, different boards to look out for them. Mr Pratt has proposed the operational model, the model that delivers services on the ground when required in an emergency situation, not a bureaucratic model that says that bigger structures are better. You would have to say that we tried that model. That is what we did when we put the ESB in place in 1996. It did not deliver in January this year.

McLeod has said to scrap it. McLeod seems to suggest that a bigger model is better, and it is not. If the government's complaint is that Mr Pratt's model is too bureaucratic because it provides for a number of boards, it has not understood the model. Perhaps the government should have asked Mr Pratt or got a briefing about how the model would work, because the way the model works is that it actually releases the operational arm of

all of these services to do their job, to operate, to rescue the injured, to put out homes that are on fire, to cope with storm damage, to face the bushfires. It is the operational model.

There you have your options. You can put in place an operational model that delivers on the ground or you can put in place the bureaucratic model which, because of bureaucracy, is taking far longer to put in place than necessary, which does not necessarily deliver and which is not proven. That is your problem. You can provide support through the departments, as Mr Pratt's bill does, but his bill says that we should have boards of individuals, men and women, with years of experience, knowledge and specialisations to assist the chief fire control officer, the chief emergency services officer or the fire commissioner to deliver when people require it.

That is the basis of this bill. This is the operational bill. This is the bill that delivers. This is the bill that will get people on the ground. This is the bill that will make sure preventive work that needs to be done is done. This is the bill that will allow volunteers to feel that they are actually being listened to and encouraged to do their job. This is not the bureaucratic model. This is not the slow model. This is not the model that we are going to talk to death in the hope that at some time before the next fire season we will actually have something in place.

Mr Corbell said that the issue is about having one corporate banner. We had a corporate banner on 18 January called the ESB and, for all the good work and for all the efforts of everyone, it did not necessarily deliver. What we are saying is based on what the community is telling us—the community of firefighters, emergency services volunteers, ambulance drivers, bureaucrats, rural lessees and volunteer bushfire fighters. They have spoken, they have had their say, and they have been ignored by the government. Yes, there is another process going on, which is fine, but it seems like we are sitting on a bus and being taken on an interminable trip by the government.

You do not have to do that. You can actually act and do these things quickly. It should be done properly. We are not saying that it should not and we have not said that. Mr Pratt has taken the time to go out and consult, deliver his bill, go back and consult and bring it to this place. Without the resources of government, he has managed to do all that and he has come up with the model that the volunteers in particular like. I understand that the UFU like it and want to see that reiterated. I understand that the ambulance drivers like it. The members of public that we have spoken to also like it, because it delivers.

Mr Deputy Speaker, this is the operational model. It is the model that can deliver. We have heard that there is to be another round table. We have heard that the government model will be coming after they do some more consultation, but we have no idea what it will look like. I can assure you that the volunteers, when they hear today that it will be still based on the McLeod model, will be afraid that it will not deliver to them the operational freedom that they need to do their job properly.

The 700-odd volunteers that we have in the bushfire brigades and the emergency services brigades give a lot of time and effort; they train and they are there when you need them. Mr Corbell is one, it should be acknowledged. He has done his modules, he has done his courses, he has done his training, and he has seen the February dragon. But we need to listen to that experience. I have been in a brigade for 10 years and I do not feel qualified to talk a lot on this subject, I try to be a bit circumspect with my words, but there are men

and women out there with far more experience than I—15, 20, 25, 30, 35 years worth of experience—who have endorsed this model.

Why are we ignoring them? Why aren't we really listening to them, instead of doing so with deaf ears? Why are we delaying this model with process when we have the ability to have it in place now? The vote today will come down against us. I can count and we will lose on this bill. It will be interesting to see what the government brings back in July of next year, which I believe is the deadline for its bill, so it can be ready for the next season.

Is that a repeat of what we heard at question time, Mr Deputy Speaker? We are not going to do anything for Australia Day this year, but we will have something in place for 2005. We cannot be ready for the bushfire season this year, but we will have something in place for 2005. Goodness me, government by distance. These are urgent issues. These are issues that need to be addressed. There are problems with morale out in the brigades. The Volunteer Brigades Association voted many months ago for the basic Pratt model. *(Extension of time granted.)* The government is aware of that vote. The government has ignored that vote.

The government persists with saying that it will institute the McLeod recommendation simply because Mr McLeod said that it should. It is not logical to do that. Listen to the experience. Listen to the volunteers out there with the 25, 30 and 35-year badges they wear so proudly that have been given to them for their community work. Some of them out there have three bars. They are actually saying that this model is the one they want because it gives them operational freedom and operational responsibility, which they are willing to accept, which they want to accept, which they want to embrace, to make their community safer. We are ignoring them. I think it is about time that we stopped ignoring them.

Mr Deputy Speaker, this bill will go down, which is a shame. It is a shame because it does offer the path forward. It offers the operational path, it offers the path that will actually deliver better emergency services for all Canberrans, and that is the path that we should follow. I would urge the crossbenchers to change their minds, because I believe that this bill will give greater security to the people of Canberra.

MR STEFANIAK (4.33): It is always very important for politicians to listen to experienced people on the ground who have been there and done that and who know what they are talking about through bitter experience. No more was that shown in the January bushfires than by Val Jeffery who, as a result of his experience, took it upon himself to initiate action that saved the village of Tharwa. That just goes to show what someone who has a lot of experience can do in a situation like that.

Mr Smyth has put most eloquently how important it is to listen to the troops on the ground. It is very telling that these volunteers—people who give of their spare time; many of whom, like Val Jeffery, have been involved in firefighting for decades—have looked at lots of models and, out of all the models, picked the basic Pratt model with a few of their own suggestions. That is very telling. It is something that the government ignores at its peril. I do think that it is very unfortunate that Mr Pratt's bill is not going to succeed today.

I must congratulate the men and women who fought in the field so bravely and tenaciously, but were they well served by the current ESB structure? I think that the answer becoming increasingly apparent is that they really were not. Statutory authorities are created to allow independence of operation and training for the major emergency agencies and currently agencies are subsumed within the ESB conglomerate, unable to train and properly develop their capabilities.

Despite that in relation to Mr Pratt's bill, he tells me that interoperability will still be guaranteed. The opposition plans to ensure that regular joint training and planning will be undertaken to ensure familiarity and equipment and operational procedures will be designed so that all agencies can operate together, a seamless coming together when they are actually needed. The bushfire services model and statutory authority is the basis for the other two agency models. This is a standalone bill because it involves the creation of three new authorities.

At the end of the day, I do get back to my initial point in relation to the volunteers, to the expertise that they have, to the fact that they do have so much to offer. They have made representations to a number of governments in the past, ones which all governments have ignored to an extent at times, and ignored to their peril. It seems that this government in particular is going down that path. I think that is a great shame. A number of suggestions were made after the fires of December 2001. Perhaps if some of those had been taken up—

Mr Corbell: They were all implemented, Bill.

MR STEFANIAK: That is another thing entirely, Mr Corbell.

Mr Corbell: They were all implemented. That's a myth that the Liberal Party is spreading. Every single recommendation was implemented.

MR STEFANIAK: I think you are a bit wrong there. That just shows how it is crucially important to pay heed to what the real experts actually say. We have a situation now where these volunteers—in many instances, individuals with decades of experience; some of the brigades probably have hundreds of years of experience in total—are putting forward what they feel to be a sensible model out of a number of models and it is basically the Pratt model with a few additions which they would prefer to have. I think that should tell the government something. Like Mr Smyth, I think that it is a shame that it seems that this bill is going to be defeated.

MR PRATT (4.37), in reply: Firstly, I thank particularly the Leader of the Opposition, Mr Smyth, for his eloquent and comprehensive comments, which were clearly based on sound experience. They came from the heart and I appreciate that. Also, I thank Mr Stefaniak, who has held the relevant portfolio in the past in a ministerial capacity. I thank Mr Corbell for his contribution. I recognise Mr Corbell as a volunteer and I and, of course, everybody else appreciate his efforts in the field. I guess that sentiment is held throughout the community with respect to our volunteers.

Mr Corbell called on McLeod as an authority in rejecting the proposed model. I have to say that it does not fit here because we know that the volunteers and others experienced

in the field have said that the McLeod model cannot work. There is no confidence in the McLeod model. As a result, we have seen fit to introduce our own legislation.

Mr Corbell also raised the point that we had not sought to amend the Bushfire Act 1936. Certainly, the amendments are not enclosed in the legislation that is now on the table, but I have foreshadowed amendments to the Bushfire Act 1936 and a raft of other acts. The parliamentary counsel's advice to me is that the consequential amendments are debated at a separate time after the primary bill is approved. On this occasion, I would propose that we do that were we to be successful with the primary bill by having those amendments tabled for discussion during the December sitting.

Ms Dundas raised a couple of issues. I thought her point about consultation was absolutely reasonable. Yes, it would be preferable to have all of the stakeholders in the community involved at every point of the analysis and the development process in coming up with a new model, which is clearly what we wanted. Since late summer 2003 we have consulted widely with the broad community, specifically the bushfire fighting and emergency community. We wanted to see a round table held to process the issue, but one has not come about yet and time is of the essence. My bringing on of the debate today is a call to expedite a very serious and urgently needed reform.

With respect to the point made by Ms Tucker, we would not wish to compromise environmental management. I would like to assure Ms Tucker and my colleagues in the Assembly that the authorities that we propose to establish with this model would be bound by environmental planning concerns. Ms Tucker ought to be aware of that. The love for the bush capital and a desire for its preservation run deeply through the ACT community and will run deeply through the organisation that we are proposing.

I turn to some other issues. The Fire, Emergency Services and Ambulance Authorities Bill 2003 has been the most controversial legislation that the Liberal opposition has introduced into the Assembly. It may be controversial, but we do believe that it is very necessary for the safety of the ACT community. It is important to the morale of the staff and management of the current Emergency Services Bureau structure and the cohesiveness of emergency management in the ACT.

Firstly, let me say that the driving force behind this bill has been consultation, consultation, consultation. The Liberal opposition have consulted with numerous groups in relation to this bill and a common theme has echoed through their feedback: we must restore the integrity of, and the trust in, the ACT's emergency services capability to make the ACT a safer place to live.

I congratulate the ACT emergency services on their efforts over the past two years in fighting against the most devastating fires the ACT has seen in recent times, including one of the greatest bushfire disasters seen in a concentrated form anywhere in this country, certainly in living memory. These noble and brave people did the best they could under the circumstances, but they can only do their best to operate under the structure that is currently in place above them.

The time has come for this structure to change. At least McLeod has talked about changing it, but we do not think he has gone far enough. The Liberal opposition is trying today with this bill to push that change. It is trying to change, through improvement, the

way the emergency services operate in the ACT. The Liberal opposition has proposed the establishment of a number of new statutory authorities, without bureaucratic impositions such as those that currently exist. That is not what the government wants and it is not what the bureaucrats want, by the look of it, but it is what the firefighting and emergency services community wants.

This bill seeks a total breaking up of the agencies into a standalone structure, with each agency reporting directly to the minister through its own statutory board. Each agency will be streamlined to allow primacy of operational control and command, with fast and accurate decisions being made more possible. Fast, accurate and unencumbered decision making is fundamental to our motive with this bill. In addition, the Department of Justice and Community Safety will support each of these agencies, not supervise or oversee them. I ask members to compare these descriptions of how we intend to change our emergency agencies and the changes that our men and women in the field and up to the tactical headquarters level want against the status quo ESB and against what we understand to be the proposed ESA.

Finally, this bill allows for interoperability amongst all agencies through a series of operational procedures, ministerial systems and regular training programs that see the staff of these agencies come together regularly. Again, I stress that this bill was created after close consultation with experienced firefighters and emergency services personnel and, as Mr Smyth quite clearly pointed out, it is a model that has been circulated and a model that has been accepted broadly by many of the emergency services stakeholders and the experienced rural residents who have, in their own right, been fighting bushfires for a long time.

Whilst there has been a variation of opinion on the detail of what we are proposing, the great majority are in harmony—break up the ESB and create more independent structures, but without compromising interoperability. In order to achieve what the ACT community really wants, it has been necessary to create new legislation—the Fire, Emergency Services and Ambulance Authorities Bill 2003. A standalone bill was created for the task of restructuring the existing Emergency Services Bureau because it involved the creation of three new authorities, not a simple amendment of the current Emergency Services Bureau. That would have been tinkering at the edges—creating nothing, changing nothing, carrying on with the same failure.

If passed, consequential amendments will be needed to other legislation in a number of places in the bill: firstly, to the Bushfire Act 1936 to abolish the Bushfire Council and the power to appoint the Chief Fire Control Officer and make appropriate provision for the new authority's powers and those of its new chief executive; secondly, to the Emergency Management Act 1999 to replace the functions of the Director of Emergency Services and the Chief Officer of the Ambulance Services with those of the new emergency services authority chief executive and the new ambulance service chief executive of the metropolitan fire and ambulance authority, respectively; and, thirdly, to the Fire Brigade Act 1957 and the Fire Brigade Administration Act 1974 to replace the functions of the fire commissioner with those of the new fire brigade chief executive of the metropolitan fire and ambulance service authority. In addition, amendments would have to be made to the aforementioned acts to make reference to the new authorities and, where relevant, for the new authorities to break links with the ACT government departments to which they currently report.

I will take some time to outline these authorities to my fellow members of the Assembly. It should be noted that, for simplicity and familiarity reasons, the model proposed for the bushfire authority is also the foundation model for the new authorities for ACT emergency services and the metropolitan fire and ambulance authority, the other two authorities that we intend to see created. Under the proposed bill, the bushfire authority would establish a board of experienced members of the community who would be appointed by the minister. These board members would be salaried and report directly to the minister, advising the minister on all aspects of bushfire through analysis, strategic planning and performance standards. Additionally, they would advise the minister on all aspects of the bushfire authority's planning, operations, organisation and training.

However, they would not interfere in the day-to-day running of the bushfire authority. The board would appoint a CEO, who may be titled the chief fire officer or the chief bushfire officer, a detail to be discussed and confirmed at another time. But they would be obligated to leave this person, the CEO, unhindered to execute operations, tactical planning and decision making.

A person—let's call him or her the CFO—would be responsible to the board for the operation, supervision and tasking, training and management of all bushfire brigades and units, a strict, straight line of command with strict, straight supervisory powers. During the preseason, season and post-season firefighting and preparations, the CFO would set clear tasks to the bushfire brigade captains. Then, the CFO would be expected to delegate total responsibility for operational decisions in their areas to the brigade captains; that is, the brigade captains would be left alone to fight the bushfire battles on their patch, backed up and supported by the CFO, but not with the CFO reaching down and micromanaging. That is a clear advantage in the model that we are offering.

The brigades—our men and women in the field—would be trusted to make the critical decisions on the ground, where they are, not bureaucrats who are nowhere near the ground, who are not out fighting the fires, who are doing a very important job elsewhere but they are not there to understand the dynamics of what is happening on the ground. What must be ensured if morale and trust within the services are to be restored is that there is a successful and direct chain of command and operational lines of communication, unhindered by bureaucrats, administrators and armchair admirals.

Again, that is what has come out of our consultation with the people on the ground—the firefighters and the emergency services personnel. Just in case the government does not understand this concept, it is called consultation. Consultation has also led us to incorporate into this bill an advisory council for each of the boards, comprising a wide range of industry and community stakeholders with a legitimate interest in planning. The role of the council would be purely advisory. *(Extension of time granted.)*

The Department of Justice and Community Safety would be tasked with providing administrative and logistical support to the authorities and their units. The department would advise the boards and their chief executive officers of budgets, acquisitions and all other aspects of financial management. JACS would have an important role to play. It would be there underneath to support the agencies and to give firm, clear administrative advice to all of the boards and their agencies on manpower, budgets and the acquisition of equipment. But it would be a support role, not a supervisory role, and it would not

fiddle with operational priorities. JACS would not impede the operational requirements of any of those authorities.

This bill gives morale back to all of the emergency services in the ACT through the provision of operational autonomy. Interoperability would not suffer from the segregation of the existing emergency services. As occurs with the Defence Force services, these three authorities would come together for regular training exercises, particularly in communications, operational procedures and emergency responsiveness.

In organisational and infrastructure terms, we will have a lot more to say later about the development of an organisational layout which would deeply enhance interoperability without stifling individual service independence. It is very important that each of the agencies be allowed to get on and do their own training. The centralisation of training as we see it now is, in fact, impeding training, particularly in the urban fire brigades, and we want to remove that impediment.

Mr Speaker, this bill is an example of the Liberal opposition's initiative. It is an example of the force of community consultation and satisfaction that drive the Liberal opposition. The Liberal opposition did not go off and hire a person to lead an authority that does not yet exist, that has not been passed by the Assembly, and that has not incorporated community feedback. We recognise the expertise and we respect the experience of Major General Peter Dunn, and our comments today in this debate are about the sequence of events that we think should have been undertaken in respect of rebuilding. We do not reflect on Major General Peter Dunn and we recognise that he is a very worthy man to be considered for a senior emergency management role in the ACT.

The Liberal opposition believes that this issue needs to be resolved as quickly as possible, which is why we have brought on debate today. The round table that Ms Tucker suggested and that we agreed to has seen endless delays and a lack of attention from Ms Tucker, I must say with all due respect, which has brought us to debate this bill now. The bushfire season is upon us.

The Liberal opposition can rest easy that this bill has seen much consultation and that the end result is what the ACT community needs and wants in the area of emergency services. The government intends to have more of the same. We want to push things along. It is scurrilous that the government has taken nine months to begin to make any changes at all, and doubly scurrilous given that we are just about into the next bushfire season and the ACT is still inside one of the worst weather cycles experienced in living memory.

It looks as if bureaucratic procedure and administrative niceties will continue to govern the government's progress on this reform issue. We do not see an air of urgency with this government on what we believe is a life and death matter, the protection of the ACT. That is why the opposition, not waiting for the McLeod inquiry to produce its report, commenced consulting in late summer 2003. It drew on the lessons of bushfire 2001 and it took note of the May 2003 audit report into the "dysfunctional" ESB, as reported in that document, and has designed reforms for the ACT's emergency capability.

Mr Speaker, the many experienced men and women from the field level up to the tactical command level—our police, our urban firemen and firewomen, our other emergency

agency staff, and the experienced people of the land—did not need to wait for a McLeod report to know what needed to be done. They have been champing at the bit to fix the ACT emergency capabilities, to fix the ESB and the broader organisational structures. Hence, our tabling of legislation in August 2003 aimed at rebuilding our capabilities—indeed, an encouragement to government to get on with it and rebuild as much as possible before the 2003-04 season. That has not happened.

Additionally, well meaning MLAs seeking to organise round table discussions with stakeholders have been unable to progress much beyond talking about it. With all due respect to my crossbench colleagues, the opposition could wait no longer. Therefore, we finished our own consultations and we have planted the marker flag here today. It was time to plant it. Today is the opportunity for MLAs in this place to sign up to this plan and to pressure the government into action for the sake of the ACT community. I would suggest to my colleagues that they should not miss this opportunity as the community is depending on them.

Mr Speaker, I urge the members of this Assembly to consider what this bill will do for emergency management and the safety of the ACT community and I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the negative.

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

Cyprus

MR HARGREAVES (5.03): I move:

> That this Assembly recognises the strong desire of the people of Cyprus to be a unified and independent nation and calls on the Chief Minister to convey this resolution to the Minister for Foreign Affairs.

Mr Speaker, in raising the desire of the people of Cyprus to be a unified and independent nation today, I would like to examine the issues faced by the Cypriot community in Canberra. The Cyprus issue has had a considerable impact on the Cyprus community in Canberra—a significant impact.

A large number of Cypriots have migrated to Australia as refugees since the Turkish incursion of 1974. These people have lost their homes and other property and have been denied the right to return to their homes by the occupying forces. To this day, many remember vividly the tragic days of the occupation and the conditions they had to endure, living in tents, many of which were provided by Australia. While the vast majority of these refugees have built successful lives in Canberra, many still feel cheated and frustrated that their homes are occupied by settlers from the Anatolian region of Turkey brought into the occupied territory of Cyprus.

Since 1975, when the Cyprus Community of Canberra and Districts was set up, it has focused its efforts and resources on highlighting the plight of the refugees, on informing the wider Australian community about ongoing violations of human rights in Cyprus and on pushing for the reunification of the island, based on numerous United Nations resolutions.

Cyprus' successful admission into the European Union has raised hope within the Cyprus community of Canberra that it will prove a catalyst for the reunification of the island and the possible return of the refugees to their homes. Turkey aspires to join the European Union, and many Cypriots hope that this will eventually require it to peacefully settle the Cyprus issue before it is allowed to join.

Mr Speaker, undoubtedly members of the Assembly have received comments about this issue from many members of our community, including a statement from the ACT coordinator of the Australian Hellenic Council, John Kalokerinos, who said:

> Turkey and the Turkish Cypriot leadership has shown contemptuous disregard for the UN resolutions and in particular to the Secretary-General Kofi Annan plan that has been endorsed by the European Union and the United States, and agreed to by the Cyprus Government as a basis for negotiations.

The president of the Cyprus community of Canberra, Georgia Alexandrou, who was only seven years old when the occupation took place in 1974, remembers the radio broadcast on the morning of 20 July 1974 announcing that Turkey had invaded Cyprus. Later her memories are vivid as she recalls the men in the village, including her father and uncle, dressed in military uniforms, leaving their families to go to war.

Ms Alexandrou also recalls the second phase of the occupation when, on 15 August 1974, Turkish planes flew low above her village and bombed Nicosia international airport. She saw many people from other villages assign through her village to escape from the Turkish troops.

By the end of September 1974, when it was time to return to school after the holidays, the new students that had come to her school were refugees, with whom she shared her clothes and toys. It was at this time that assistance arrived from many countries, including Australia, complementing the support from the Red Cross that was providing food and other supplies.

Many Greek Cypriot lives were lost during the war, with many others captured as prisoners of war. Between 1974 and 1975, Turkish troops carried out a forced exchange of people from both ethnic groups—the Cypriot and the Turkish—with families

searching desperately for their loved ones among the prisoners of war returning from prisons in Turkey. Finally, it was the Cypriot women who participated in many peaceful demonstrations organised by the movement “Women walk home”.

Another member who has told his story was an eight-year-old boy in 1974. It was 6.30 am when his father woke to the sounds of the radio broadcast announcing a general mobilisation of all able-bodied men who had served in the military. He later saw his father getting dressed in his army uniform. He further recalls hearing a plane passing over their house, and his father saying that it was not a British plane—in reference to the planes that the British had in their military base on the island. He learned later that the plane was Turkish and that it had dropped parachuters some distance away.

Two weeks had passed by the time he saw his father again. He came back to take the family away to the mountains as the Turks were planning the second phase of the incursion which led to the occupation of most of the territory. When the boy returned to his village a few days later, the primary school was turned over as living quarters for the refugees.

Another community member who has lived in Canberra since 1989 recalls that it was August 1978 when their family migrated to Melbourne for a better life. He was a 19-year-old Cypriot doing his military service when the Turkish occupation took place, having been told that foreign ships were approaching the Famagusta port on the night of 19 July 1974. Following the occupation, he did not see his family for almost three months, with his parents not knowing for two months that he was alive. And it was during the incursion that many of his friends were killed. He spent two more years in the army, most of this time not being able to visit his family more than once every couple of months. Following the completion of his studies in England, he then moved to Australia.

Finally, from a family member with two young children, who recalls the time prior to the occupation when he was living in Famagusta: they were awakened at 5 o’clock in the morning of 20 July 1974 by the bombing raids carried out by Turkish planes. During the second phase of the occupation, they left their house with only some clothing and stayed away from their home for three or four days, having fled to a neighbouring village where they spent their first night with some friends.

As the next day was 15 August 1974, a special religious day in the Orthodox Church, the entire family went to church, but the service was interrupted halfway through and everybody had to gather their families and leave the church. They proceeded to a city on the south of the island where they were given blankets, clothing and food. Life became even more difficult without any money. It was nine months later before they left Cyprus and arrived in Australia.

Mr Speaker, I understand that members of Canberra’s Cypriot community are grateful for the support that successive Australian federal, state and territory governments have shown on the Cyprus issue and hope that at every opportunity they will work to find a peaceful resolution to the matter.

In bringing this motion to the Assembly today, I trust that we will contribute to the collective efforts that have been taken to date across Australia. I also trust that the Assembly’s efforts will provide the community in Canberra with a sense of hope,

knowing that the people of Canberra are concerned about the ongoing violations of human rights in Cyprus and are in solidarity with the feelings of Canberrans of Cypriot background.

Mr Deputy Speaker, these people have been disenfranchised since 1974. They have borne the pain since 1974. They have seen their beloved homeland divided, arbitrarily split through military incursion. The people don't want extra territory; they want their country back. They want to be independent, as a world-recognised country, and they want the same sovereignty that you and I enjoy. They want to be a united and unified country taking its place in the European Union. They want a unified Cyprus to bring the people together to protect its rich and ancient history and they want all Cypriots to celebrate the language, the colour, the dress—the things that make Cyprus excel.

If Australians were to suffer what the Cypriots have suffered, Mr Deputy Speaker, they would, by international reputation, fight like hell. The fighting should stop. The differences should be settled, the people reunited and left in peace, Mr Deputy Speaker.

I note that the Leader of the Opposition has foreshadowed an amendment to remove the reference to a minister and direct it to the Prime Minister, and I will just signal support for that amendment. I thank the Leader of the Opposition very sincerely for it, and I commend the motion to the Assembly.

MRS CROSS (5.14): I would like to thank Mr Hargreaves for this motion. This is indeed a motion close to my heart. In 1977 I was completing tertiary studies in Sydney when I met a Greek Cypriot girl whose family had been driven out of her country, Cyprus, in 1974 by the Turks. I had not, until that time of my life, met anyone who made as much of an impact on me as this young woman, a woman whose family had been displaced in the most horrendous circumstances. They lost their homes, their livelihoods, their heritage and loved ones.

From the comfort of my country, Australia, I was shocked to learn of the savage way in which their lives were thrown into turmoil, and indeed it had me questioning the value of life and freedom. This was not alien to me, given Turkey's occupation of Greece for 400 years. However, I never expected to see it happen in my lifetime and witness the effects on innocent people.

I grew up a very proud Australian of Greek origin, learning of the history that was my family's heritage and the connection of the Greek and Cypriot peoples. It is about 30 years since Turkey sent in tens of thousands of troops to drive Greek Cypriots out of the north-eastern part of Cyprus, while at the same time smashing churches, monuments, buildings and places of great antiquity. And they are still there. This is despite condemnation from many corners of the world, including the European Union, which Turkey is eager to join. Yet they seem incapable of taking any positive steps to do something that would help their entry to the EU.

In May 2004 Cyprus will be admitted into the European Union. Cyprus had worked long and hard to join the community of European nations. In fact, it was more than 10 years ago that the then president, George Vasiliou, lodged the island's application for membership.

Cyprus has, for many years, been existing in a way that is seen by many as unfair, untenable and personally disastrous for many of the citizens. Recently there have been moves which many are regarding as definitely positive and let many relax with a dash of optimism. The successful accession to the EU is one of these events, and it has already had an impact on the political developments in Cyprus and the overall optimistic feelings of people towards a good future.

The removal of the barbed wire by the occupying Turkish forces was a really positive step for that community. This opened the way for people to visit their place of birth, their original place of worship and relatives they had not seen for years. This was regarded as a partial lifting of restriction of movement but seen as a demonstrative step.

Neighbouring Turkey invaded Cyprus and occupied more than a third of the country. They continue to occupy this land, and this is a constant reminder for the people of the division of their country and the lack of independence their fellow Cypriots have in the occupied area.

There are many stories of misery, of destruction of homes, schools and places of worship. There are stories of separated families and people dispossessed because of the dividing line. Cypriot residents of countries around the world have worked and lobbied for almost 30 years to have the situation improved. The Cyprus community in Australia, and in particular those that I know in Canberra, have been tireless in this regard.

The new and somewhat limited freedoms are encouraging. We do need to grasp the small moves forward as this is what we have available. However, the small moves towards freedom of movement and family reunions do not negate the need for a comprehensive solution to the situation that exists.

Cyprus is one country and needs to once again be one country. It is demoralising and ridiculous that residents of a country need to show a passport to travel around in their own country. The unity and independence of Cyprus have been damaged as a result of the Turkish invasion of 1974. Neighbouring Turkey invaded Cyprus and occupies, since then, 37 per cent of the country's territory. Given the circumstances, the lifting of the restrictions does not constitute a step towards any form of solution.

In recent months popular demonstrations have taken place in the occupied territories, in the occupied areas where the Turkish Cypriot community calls for prompt resumption of negotiations aimed at reaching an agreement based on the Annan plan as submitted earlier this year. The president of Cyprus has expressed, on numerous occasions, the readiness of the government of Cyprus for immediate resumption of talks under the United Nations auspices and based on the Annan plan. The Annan plan calls for a bi-zonal, bi-communal federal state as described by United Nations Security Council resolution 939, which states, inter alia:

> … a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession.

Numerous Security Council resolutions and decisions call on Turkey to facilitate this procedure. Nonetheless, at the beginning of March this year, the Turkish leadership employed a negative approach to the Secretary-General's initiative and directed the talks to a new collapse.

Following that, on 14 April 2003, the Security Council unanimously adopted Resolution 1475 on Cyprus, which, inter alia, stated

> The Security Council … regrets that, as described in the Secretary-General's report, due to the negative approach of the Turkish Cypriot leader, culminating in the position taken at the 10-11 March 2003 meeting in The Hague, it was not possible to reach agreement to put the plan to simultaneous referenda as suggested by the Secretary-General …

European Union accession of the country could work as a catalyst towards the solution. 1 May 2004 marks the full accession of the Republic of Cyprus to the union, and it is the strong will of the Cyprus government, as well as of the international community, the United Nations and the European Union, for a resolution to the problem prior to that date.

By the end of 1974, Mr Deputy Speaker, thousands of people were living in enclaves in their occupied villages under conditions of oppression, harassment and deprivation. Now only 421 Greek Cypriots and 155 Maronites remain in the occupied area. This figure goes back to May 2001. 35,000 Turkish soldiers armed with the latest weapons are stationed in the occupied area, making it, according to the United Nations Secretary-General, one of the most militarised regions of the world. Over 115,000 Turks have been brought over from Turkey to colonise the occupied area, thus changing the demography of the island and controlling the political situation.

According to Turkish-Cypriot newspapers, over one-third of Turkish Cypriots emigrated from the occupied area between 1974 and 1995 because of the economic and social deprivation which prevails there. As a result, the Turkish Cypriots who remain are today outnumbered by the Turkish troops together with the colonists. The illegal regime in the occupied area is deliberately and methodically trying to eradicate every trace of a 10,000-year-old cultural and historical heritage. All Greek place names have been replaced by Turkish ones. Churches, monuments, cemeteries and archaeological sites have been destroyed, desecrated or looted. Priceless religious and archaeological treasures, part of the world's cultural heritage, are being stolen and smuggled abroad, and illegal excavations and dealings in antiquities are taking place.

The arbitrariness and arrogance of the conduct of Turkey, particularly through the inflexible Turkish and Cypriot leader, Rauf Denktash, for many years now continue to poison the atmosphere for potential reconciliation. Turkey continues to bemoan lack of progress along the path to its entry to the EU, while at the same time many Turkish Cypriots have been demonstrating together with the Greek Cypriots in favour of going into the EU. Nothing budges. The United Nations chides Turkey, the EU chides Turkey, the Greek Cypriots try to seek resolution. Something has to give, and it is about time that that something happened and happened now.

Mr Deputy Speaker, last July marked the 29th anniversary of the Turkish invasion of Cyprus. The persistence of the people of Cyprus and, with the official admission of Cyprus into the European Union approaching, expectations are rising that Cyprus will be reunited under the umbrella of nations of the EU. Cyprus' strong economy is providing a springboard to resolving the Cyprus problem via its EU membership. Indeed, Mr Deputy Speaker, the Greek government for decades has given as much help as possible via the United Nations and Kofi Annan to assist in this objective.

We see our Cypriot neighbours as our brothers and our sisters. Unfortunately, even the efforts of Kofi Annan, who drafted a plan to work with the two sides to resolve the occupation issue, were at the last moment in The Hague rejected by the Turkish government. It is our hope that in the not too distant future we will be celebrating a free Cyprus as a member of the European community and the European family.

I would at this point, Mr Deputy Speaker, like to acknowledge a number of people who have in fact worked tirelessly on the Greek-Cypriot relationship and on the occupation issue: the Greek Ambassador to the ACT, Mr Fotios Xydas, and the former High Commissioner for Cyprus, Mr Sotos Liassides, who worked tirelessly on the Turkish occupation matter and the ongoing relationship between Greece and Turkey; the president of the Cypriot community in the ACT, Mrs Georgia Alexandrou, with the support of course of her husband, Chris; in addition, members of the Cypriot High Commission. In fact, we have with us today Mr Andreas Kneknas from the Cypriot High Commission's media office.

There are in fact countless people who have worked tirelessly on this issue for almost 30 years. My father served as a member of the Greek diplomatic service, and one of his responsibilities when he was posted back to Athens was working on the relationship between Greece and Cyprus and Greece and Turkey and in fact assisting Cyprus on the Turkish occupation issue.

It is something that I have grown up around and with, and it has become more strongly highlighted to me since coming into contact with people that have been adversely affected, people whose lives were turned upside down, people who were scattered around the world.

MR DEPUTY SPEAKER: Order! Please address your remarks through the chair.

MRS CROSS: Yes, I know. I like looking at you too. They were exposed to the most horrendous circumstances. These people are to be admired for their courage in not only maintaining their heritage and their culture but assimilating so well in this country. My admiration for them is unbounded.

What I would like to say at this point, Mr Deputy Speaker, is this: as an Australian of Greek origin—I can speak on behalf not only of the Greek people of the ACT but the people of Australia, and I have spoken in fact even this morning to the Greek Ambassador—the Greeks will not stop assisting Cyprus until Cyprus has its land back, until Cyprus has its country back and until the Cypriots can continue again to move around their country without feeling like they are prisoners in their own country. I mean the country in its entirety plus the 37 percent.

I commend the motion to the Assembly and I thank Mr Hargreaves for bringing this motion forward.

MR SMYTH (Leader of the Opposition) (5.28): Mr Deputy Speaker, the opposition will be supporting this motion simply because we believe it to be true, and I thank Mr Hargreaves for bringing it on today. It is important that all people of good intention work towards an outcome where countries that are divided are reunified.

The Liberal Party shares the desire of Greek Cypriots and Turkish Cypriots for peace and reunification, and I think we are all particularly disappointed at the breakdown in March of this year of the settlement talks that were being hosted by the UN Secretary-General, with the aim of brokering a just and lasting settlement of the Cyprus dispute. It is hard to believe that it was almost 30 years ago that this occurred and it is a shame that for 30 years a beautiful country has been divided and a beautiful people have been divided against themselves and isolated.

It is a shame that the Annan plan, as it is referred to, hasn’t been adopted. We do note that it remains on the table and would urge all parties to resume negotiations as soon as possible. I think the actions of the federal government in appointing the Hon. Jim Short as our special envoy for Cyprus is a show of the support that I think all Australians have in trying to resolve a dispute that should never have occurred.

Mr Deputy Speaker, it is important to acknowledge the efforts of Canberrans, and particularly I think over the last 30 years, efforts through charity, efforts through the federal government, but particularly efforts through, say, the Australian Federal Police that have had an ongoing commitment to and presence in Cyprus—and a very dangerous presence in Cyprus—seeking to at least administer the divide as best we can and seeking to, I think, influence by our own attitudes a return to normality for the people of Cyprus.

We have with us today a delegation from the Cypriot community. I am pleased to say that I have worked with the Cypriot community for a number of years—either they have served me at the local milk bar or I have served them in the local supermarket through my family’s newsagencies. Scattered throughout Canberra are the local Cypriots, and they are a very welcome part of our community. It is a shame that so many of them came from a country torn by war, but it is great that they were certainly welcomed by the local community. They have added much to what we have here, and we acknowledge their presence here today.

I think it is unfortunate that Mr Hargreaves let slip the age of the president of the Cypriot community. She carries it well, and she always serves her community so well and so justly. I am sure none of us did the maths.

The motion is a reasonable motion. I will move a small amendment. I think it is an important amendment, for two reasons. Firstly, in terms of protocol, it is appropriate that leaders write to leaders rather than other ministers. The amendment asks the Chief Minister in fact to write to the Prime Minister of Australia rather than the Foreign Affairs Minister. I think it is also an important symbol. I now move:

> Omit all words after “ … to convey”, insert “this resolution to the Prime Minister of Australia”.

Mr Speaker, having moved the amendment, it is important, I think, that we elevate this to the highest level. Having the leader of the ACT, the Chief Minister, write to the leader of Australia, the Prime Minister, sends the message that we believe that this should be treated at the highest level. With that in mind, Mr Speaker, the Liberal Party will be supporting this motion in this Assembly today.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.31): Mr Speaker, I am very pleased to be speaking today on this, I think, very significant motion that has been moved by my colleague John Hargreaves. It is a motion that the government is certainly very pleased to be associated with and very pleased to have been involved in the moving of. It states:

> That this Assembly recognises the strong desire of the people of Cyprus to be a unified and independent nation …

I am happy to write to the Prime Minister and convey to him that that is the view of this Assembly.

I must say that I am very pleased that at this stage it appears that it will be the unanimous view of this Assembly that it is important that we support, show our solidarity for and recognise the strong desire of, the people of Cyprus and Greek Cypriots around the world for that country to be again united and unified; that it be a state of single sovereignty; that it be a state with its own individual international personality; that it have a single citizenship; and that its territorial integrity be recognised and safeguarded.

The history of events in Cyprus has been quite fully explained and described here today by others, in particular by my colleague John Hargreaves, but it is worth touching on the events of 1974—the invasion by Turkey of a sovereign state; the ultimate division of that state; the expulsion of 140,000 Cypriots from their homes, many of whom of course continue to live essentially as refugees within Cyprus and in other parts of the world.

Some of the human impacts of the invasion are still very much part and parcel of the lives of those that were expelled from the territory that was invaded and occupied. As I say, with 140,000 being expelled at the time, it is probably reasonable to assume that, as of today, exceeding 29 years, a total of about 200,000 Cypriots are no longer able to live in their own homes.

A very significant other human dimension to the invasion was of course the death—and we assume the death, because many Cypriots that were caught up in the invasion are still unaccounted for—or the dislocation to the point where it is assumed that they are dead of at least 1,500 Cypriots as a result of the invasion. Many of those 1,500 remain listed as missing today, with families suffering as a result of the continuing torment at not knowing the fate of relatives and of loved ones. Those are some aspects of the human dimension of this particular invasion, of this particular war.

As has been reflected, that circumstance continues today. Cyprus remains divided. Cyprus and the division of Cyprus through its invasion and occupation by Turkey have been condemned almost unanimously by almost all states of the world. The United States and Great Britain continue to condemn the division and the occupation. The United

Nations condemns, through successive resolutions, the continuing occupation and division of Cyprus. The European Union condemns the continuing occupation and division of Cyprus. The European Court of Human Rights continues to condemn and find against Turkey in relation to the occupation and dislocation.

The continued occupation and the division are not just issues around the territorial sovereignty and integrity of Cyprus; there are, as I say, issues around not just the human dimension of dislocation and loss of homes, loss of birthright and indeed the loss of loved ones and relatives; there has been, I have no doubt, quite significant and irreparable cultural vandalism as a result of the occupation of that significant part of a nation that has existed for thousands of years and a real desecration of some of the cultural integrity of the island as well.

So we can only continue, as supporters of peace, supporters of international law and supporters of the right of all nations to continue to live secure in their borders and for their territorial integrity and sovereignty to be recognised and maintained, to hope that the resolutions of the United Nations will ultimately be acknowledged and respected by the occupying force. That does require Turkey to accept responsibility for what it has done, to accept that the international community has, time and again, indicated to it that it does not accept its continued occupation or the legitimacy of that occupation. And it does require the international community, I think, to continue—let us hope, peacefully—to maintain pressure on Turkey to respond to those very many decisions of the United Nations in relation to Cyprus.

Of course there must be continuing frustration, as I know there is for Cypriots around the world, in terms of the apparent different levels of weight that can be brought to bear in relation to United Nations resolutions that are or are not complied with, abided by, recognised, or acknowledged. Of course one can be cynical about that at one level. I am sure it is a reflection that I know many Cypriots have made that perhaps if only Cyprus had been rich in oil there may have been a slightly greater degree of attention by some within particularly the West to force an earlier recognition by Turkey of its need to abide by and respond to the United Nations resolutions in relation to it.

I am very pleased to be supporting this motion. I think it is more than appropriate that this Assembly today has come together to discuss a motion that goes to the need for a place across the sea, another country, to have issues of direct relevance to it addressed and resolved. It is in the interests of many of our citizens that this be done. We acknowledge the significant place that they hold in their hearts for their homeland, quite rightly so, and their strong desire, now 30 years essentially after the invasion, that the tragedy that has befallen Cyprus be addressed and be resolved.

I think that is certainly the view of all, as Mr Smyth indicated, right-thinking Australians and certainly members of this particular community. And I think it is a view that we can come to, whilst acknowledging that the situation in Cyprus, I have no doubt, continues to be a matter of some concern to many Turkish Cypriots. We shouldn’t label or scapegoat those Turkish Cypriots that to some extent have been caught up in the invasion as well whom we know, from what we see and read of contemporary events in Cyprus, are looking for a resolution to these issues as well. I think very many of the Turkish Cypriot residents of Cyprus recognise their future is in a unified and sovereign Cyprus. They see very much their fortune as being tied to the integration of Cyprus into the European

community; they understand and acknowledge that their well-being into the future depends on or is tied inextricably to the future of Cyprus as a whole.

I have no doubt that, were the people of Cyprus perhaps allowed that opportunity to develop or to determine their future and their sovereignty for themselves, even those Turkish Cypriots that are part and parcel of Cyprus would choose reunification, would choose a sovereign Cyprus, to move forward in the world as a sovereign, independent nation making its place.

That is my hope for Cyprus. It is reflected in this motion. I believe we will be and are inexorably moving to the circumstance that is described in this particular motion. It is just a pity that it has taken so long. I think this recognition by this Assembly is another welcome step along the path to the reunification of Cyprus.

MS DUNDAS (5.41): Mr Speaker, the ACT Democrats support the United Nations' efforts to bring about unification in Cyprus. As long as Cyprus remains two countries, the island as a whole suffers. It is also clear that the people in the Republic of Cyprus are almost three times better off than their counterparts in the north. As ascension to the EU in May next year of the republic moves closer, unification brings only hope that the economic disparity between the north and the Republic of Cyprus will not widen.

Unfortunately, the unification process is at a standstill until after elections are held in the north. I understand the present government has stated it has no more interest in continuing negotiations, but the leading opposition party has pledged it will reopen negotiations under the auspices of the United Nations if it wins power. The elections are effectively a referendum on not only the Cyprus problem and its ascension to the European Union but also on the future chances of Turkey joining the EU.

I believe a unified Cyprus will greatly enhance Turkey's chances, and Turkey joining the EU, or at least continuing down the path of joining, is of particular importance to Australia, especially in light of the fact that 14 Kurdish refugees have been denied asylum by the federal government recently.

The European Union has required Turkey to become more democratic and to stop its persecution and human rights abuses of the Kurdish people. Turkish accord of the Cypriot unification process will send a signal to the world that it is prepared to take its democratic responsibility seriously and it will give hope to its Kurdish people. Likewise, it is important the rest of the world demonstrates that unification for Cyprus is essential.

So I will be supporting this motion. I have no problem with the amendment. I think that other members have gone into great detail about the complexity of this issue and what is actually going on on the island. I think it clearly highlights why we need the United Nations and the role the United Nations has in our international community. The United Nations has moved many resolutions, as has been discussed, trying to work for a peaceful solution to what is happening on the island of Cyprus.

If the UN is to continue with the role that its predecessor was tasked with at the end of World War I, it needs to be supported by all nations around the world; it needs to be respected by all nations around the world. How could countries like the United States

and Australia turn to Turkey, Greece and the island of Cyprus and say, “You must follow UN resolutions,” if we ourselves cannot?

All resolutions of the United Nations need to be considered seriously, taken into account and supported because that is what the UN is for. It is an international organisation that this country was a lead player in establishing. If we are to work for peace around the globe, then we need to support the UN in its activities around the globe.

I hope that it does have a positive impact in Cyprus and that the people of Cyprus can move to living on an island in peace, not an island constantly under the threat of violence. I think that the UN does have a very important role to play there, and they should be supported and respected in their continuing work to bring about a peaceful resolution in the Cypriot nation.

MS TUCKER (5.44): The ACT Greens also support this call for a unification of Cyprus. I think members have already spoken in detail about the situation there and the history there; so I won’t repeat that information. I would just want to make a general comment that I think the ongoing animosity on Cyprus is to be regretted.

I know it is a subject that is often raised in conferences of the Commonwealth Parliamentary Association. In fact, in a recent issue of the *Parliamentarian*, Issue 2 of 2003, there was an article by Mr Marcos Kyrianou who is a member of the Cypriot parliament, and in a quote from that article he says:

> Cyprus has had to face major consequences from this act of aggression with almost a third of its population having been turned into refugees, brutally evicted from their homes.

The United Nations has concerns about human rights in Cyprus. I quote again:

> Cyprus’s continuing division has consequences on the enjoyment, on the whole of the island, of a number of human rights including freedom of movement; property rights; freedom from discrimination; freedom of religion; freedom of expression; voting rights; economic, social and cultural rights; and the human rights issues pertaining to the question of missing persons.

So there are obviously some very real concerns about the division of Cyprus. Members here today have illustrated those violations of human rights with individual stories as well. As everybody here understands, this uneasy standoff between the Turks and the Greeks has resulted in a UN force keeping the sides apart.

But as other members have also said here, with the admission of Cyprus into the European Union, there is renewed hope and pressure on the Turks to agree to unification. I have also heard that both Greek and Turkish Cypriots are eager for unification.

All the signs are there that they, the mainland Turks, too have begun to switch their traditional alliance from Mr Denktash, the Turkish Cypriot leader, to the opposition parties in the realisation that a settlement will also benefit them. I read that in the *Guardian Unlimited* of 16 September 2003. Cypriot communities around the world have been calling for commitment to unity in Cyprus. This motion is in solidarity with that call, and we support it.

MR PRATT (5.47): Mr Speaker, I just rise briefly to support Mr Hargreaves' motion and to congratulate him for bringing on a very, very important issue. The international law, human rights and humanitarian aspects of this subject under debate here today have been well and truly covered, and I don't need to go over those again.

But I would in passing make a comment that, while I agree with Ms Dundas on matters regarding the UN, you also need to make sure that the UN gets reformed so that it is far more effective in dealing with all of the challenges that face us around the world. Let me also congratulate Mrs Cross for her eloquent delivery and passion for this subject. We on this side of the house recognise that, Mrs Cross.

But primarily, Mr Speaker, I want to get up and wish the Greek Cypriot peoples in the world all the best in their quest for unification and independence.

I would like to acknowledge the presence here today of members of the Canberran Greek-Cypriot community, to the president of that community, Mrs Alexandrou, Mr Alexandrou and others. I wish you all the best in your lobbying and funding role which is so important in this particularly important exercise. John Kalokerinos, I wish you all the best as well in those particular functions. We can only hope that a long-standing sore issue is brought to a resolution as soon as possible.

Amendment agreed to.

MR HARGREAVES (5.49): I thank members for their unanimous support for this motion. There occasionally come issues which are greater than ourselves, greater than our jurisdiction and greater than our power to fix. I am reminded of a quote that somebody once said in my hearing that if one person shouts into the wind nobody hears them; but if a thousand people whisper into the wind everybody hears them. What we are seeing here and what we are talking about is this: if all Canberrans join all Australians, we will have a thousand people whispering into the wind, and then everybody will hear them. So that is why we want to add our weight to this cause.

I was also neglecting my duty to advise the Assembly, of course, that there are people who were born under the occupation and have lived their entire lives under that occupation, and they don't know what it is like to pick up a handful of sand and say that it is their handful of sand. I think our hearts need to go out to those people. I would also like to say, Mr Speaker, that I would hope and pray that compassion actually rises forth here and conquers the human rights abusers. I think, if enough people in the world get on the right side of this, then we can conquer that.

Mr Speaker, I too want to thank the members of the Cypriot community who came here to support this motion today; I appreciate it very, very much. I apologise to the president for revealing her age in public. However, can I say I thank the Leader of the Opposition for drawing it to the world's attention and not just mine. But also can I say that she looks considerably better for the experience, Mr Speaker.

Finally, I would just like to say, Mr Speaker, that this Assembly will join with the Cypriot community, which is part of our Canberra community, and entreat the powers

that be to return the sacred soils of Cyprus to the Cypriot people. The Cypriot people are the ancient and rightful custodians of that land.

Motion, as amended, agreed to.

Concession scheme on property rates for people on low incomes

Debate resumed from 24 September 2003, on motion by **Ms Dundas**:

> That the ACT Government develop a proposal to provide rates concessions to all people on low incomes, including more generous concessions for pensioners, and present this to the Assembly by the last day of sitting in December 2003.

MS DUNDAS (5.52): I seek leave to move an amendment to this motion.

Leave granted.

MS DUNDAS: I move:

> Omit "by the last day of sitting in December 2003", substitute "with the Government's response to the Standing Committee on Public Accounts' inquiry on Revenue Raising Issues in the ACT.".

I will just briefly talk about the amendment. I am basically moving this amendment because the debate started on this particular motion a month ago, and I think a reporting date of December is now a little bit unachievable, even for the fantastic workers within the Department of Treasury. So after consultation with members, I have moved that we actually ask the government to report on a rates concession scheme and table this report with the government's response to the Standing Committee on Public Accounts inquiry on revenue-raising issues in the ACT.

I understand the Public Accounts Committee has been working very hard on this inquiry and is hoping to report over the next couple of months. I think that the work the government is doing on this issue will be very well considered in concert with the work being done by the Public Accounts Committee. We can see both responses at the same time and be fully informed as we move on to talk about revenue and rates in the ACT.

MR SMYTH (Leader of the Opposition) (5.53): Mr Speaker, members will recall that Ms Dundas moved this motion on 24 September this year. During that ensuing debate a number of amendments were moved and defeated; hence we have before us today the motion as originally moved by Ms Dundas, with an amendment. Mr Speaker, members will also recall that a major impetus for this motion was the proposal from the Treasurer to implement a radical new system for imposing rates on residential properties in the ACT—a bill that was soundly rejected by the Assembly.

But whatever the reason for this motion, Mr Speaker, the fact remains that the intention is to seek new proposals for the provision of concessions for specified groups from within our community to reduce the impact of rates on home owners in those groups. Mr Speaker, as a principle, the Liberal opposition wants to ensure that a satisfactory

approach to providing concessions to reduce the impact of rates for those on lower incomes is implemented in the ACT.

I note comments made by Ms Dundas about the current concessions and her assessment that they only offer a relatively small level of concession, and this at a time when rates in some parts of the ACT are at extremely high levels. Further, the current concessions only apply to pensioners, when there may very well be other groups that could warrant having access to some measure of concession.

Mr Speaker, members may recall that, when the Treasurer responded to this motion, he noted that the government was already undertaking a review of the rating system, and included in that review was a consideration of an appropriate system of concessions. I would support the comment made by the Treasurer that the government undertake a review of the concession arrangements for ratepayers in the context of the broader review of the rating system.

At the same time, Mr Speaker, I do not accept the proposal from the Treasurer that the question of rates concessions should be referred to the Public Accounts Committee. I note that the Treasurer made a number of comments as recently as last week to the effect that this Assembly was placing an unnecessary workload on the bureaucracy, to the detriment of the role of the bureaucracy to serve the executive.

Mr Speaker, we make no apologies for the position that we have adopted on this matter. I have no doubt that it is quite appropriate for the relevant agency to undertake the research necessary to prepare a report on the rating systems and associated concession arrangements. As members serving on committees would be aware of the workload that committees have, although their support is extremely well given and well valued by committee members, the support we have and the resources we have are extremely limited compared to the resources of the government.

We would all acknowledge that devising the most appropriate rating system is fraught with many complex issues, as competing interests and circumstances are balanced and important outcomes of fairness and equity are sought.

The only concern I had with the motion from Ms Dundas was whether her suggestion of the Assembly receiving a report on the last sitting day of this calendar year was realistic. Therefore, I am pleased, Mr Speaker, to see that Ms Dundas has moved an amendment that would require the government to respond to this request when it responds to the Standing Committee on Public Accounts inquiry on revenue-raising issues in the ACT. So the impetus is there also on me to make sure that that report is given quickly as well. It should be received by the end of this year.

So it may be reasonable for the Treasurer to initially provide an update on the work that is being undertaken on the matter, and I am sure all members would like to have such an update. Notwithstanding that, the opposition will be accepting Ms Dundas's amendment to her own motion.

Mr Speaker, there is an aspect to this motion that I do want to comment on as part of the debate, and this relates to the way in which any concessions are provided. Mr Speaker,

I believe it is important that we maintain a separation between the policy that implements the rating system for the territory and the system that provides the concessions.

On the one hand, Mr Speaker, we may make a policy decision setting out the rating system as we agree to it in the Assembly. On the other hand, any measures which must implement concessions to reduce the impact of the rates must be implemented as a separate policy decision. The integrity of the rating system and the rating policy itself should remain intact.

Mr Speaker, some benefits of this approach to the provision of concessions are that the original policy is not made more complex than necessary and, perhaps more importantly, this approach enables any concession to be targeted to specific groups in the community as perhaps a new need may arise. The concessions would be targeted to specific groups in our community—for example, to such people as those whose household incomes fall below a certain threshold—and the concession would be provided as a payment of some amount of compensation or through the remission of part of the rates bill or in some other way.

Mr Speaker, through adopting this approach to the implementation of a rating system, the Assembly would be ensuring that the rating policy does not become overly complex through adding requirements for thresholds and rates for remission and so on.

The other thing is, Mr Speaker: threshold creep, or income creep or bracket creep occurs or special needs arise; we wouldn't be coming back to adjust the rating system; we, the government, could, through perhaps a policy decision or a disallowable instrument, actually do that instantly, as would be appropriate.

Mr Speaker, the other thing that does concern me, though, is that there has been a review of concessions across the government, and it has been carried out now for more than 2½ years. It is something that the previous government started. We started an across-the-government review of concessions, which of course would include the rating system. I think the shame is—and it is becoming so characteristic of this government—that two years into their first term they have done nothing to facilitate and bring that concession review back to the Assembly and back to the public at large.

The Treasurer might leap to his feet and tell us where that review is and how quickly we may get it. It is interesting, though, that, two years into the term of this government, nothing seems to have been done.

Mr Speaker, the value of this approach to the implementation of a revenue-raising policy and of an associated set of concessions is that it will enable the government, the Assembly and the community to evaluate both the impact of the rating system and the magnitude of any concession to ameliorate the impact of that system.

Mr Speaker, we support the motion; we will be supporting the amendment; and we look forward to the government's answer in the future.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (6.01): Mr Speaker—

MR SPEAKER: Mr Quinlan, as you have already spoken, you will need the gracious leave of the Assembly to speak again.

MR QUINLAN: No, I can speak to the amendment.

MR SPEAKER: There is an amendment, of course. You can speak to the amendment.

MR QUINLAN: The amendment says that the findings shall be presented at the same time as the report of the Standing Committee on Public Accounts inquiry on revenue raising. There are a couple of things I would like to say—and be a little repetitive. I do think that this approach is wrongheaded, and I think I articulated my thoughts on that in relation to another motion about the government having to report on concessions to landlords. I think that was the last one.

I did make the point—and I think it should be made again, whether it falls on deaf ears or not—that we are asking here the administration effectively, because they are the ones who are going to do the work, to serve two masters. I want to read from the Legislative Assembly of the ACT Standing Committee on Administration and Procedure's Report No 4, paragraph 116:

> However, as a separate issue, the committee came to the view that decisions about how the Assembly will manage its relationship with InTACT—

in this case—

> must be underpinned by the rigorous application of the separation of powers doctrine. That doctrine holds that the three arms of government: the legislature; judiciary; and the executive, must be independent from each other and that the powers exercised by each do not come into conflict.

This is not in relation to powers, but I think one could draw a line through this to say that it is clearly wrongheaded to ask an executive to bring forward a process that inevitably has to mean that the government and the administration must work together and put something together as a work of the Assembly. We have a process in this Assembly called the committee structure, and the beauty of that structure is that it allows input from each of the representative groups in the Assembly to put together a collective opinion. Collective opinion from the Assembly is going to be, and will always be, I think, somewhat different from the opinion of the government of the day.

So in that regard it is just not logical to be asking the government to do work which is effectively work that ought be done by committees, or have the benefit—and the benefit at the beginning—of the input of all those people that are in the Assembly and the benefit of their requirement for research, their guidance of how it is done. It is not just a case of saying here that we will set up coconut-shy stuff; we won't do any work; if we do any work we will come in later and criticise it. What you are going to get is a body of work that comes from the government. The government brings forward to this place its policies and its initiatives through its legislation and through its budget process, as it should be.

I am drawing a line through the last decision taken in this place. I am sure that this particular motion will get up as well. But let me state clearly this is wrongheaded and illogical.

MS DUNDAS (6.06): I thank all members who have participated in this debate that has spread over a month. I think the important thing about this debate is that it will inform the work that we are asking the government to do. Mr Quinlan has just again reiterated his concerns about the Assembly asking the government to do work. I think what we have done is put forward some ideas in the debate that will inform what it is we would like to see as an outcome.

I would like to, I guess, also put this in the context of when members of this Assembly do come forward with a new proposal or a new piece of legislation. Usually what happens is the government laughs and says, "That is ridiculous; where's your work, where's your evidence? Really this is something that should be looked at by the people who work in the departments."

The government is putting us in a lose/lose situation. We can't ask for the government to do the work in the first instance, or if we do put forward actual proposals they are laughed at and we are told that the government should actually be looking at this because it is in the purview of government to fix these problems. I am a bit disheartened by the attitude of the government towards the debates that are taking place in this Assembly, especially on private members day.

I do think we have had now a number of debates about rates, and I think we all agree that the concession system needs an overhaul. Even looking at the rates pamphlet put out by the ACT Revenue Office, there is some assistance available to pensioners by way of a deferment. It is not a reduction in rates; it is a deferment for people who are receiving unemployment or other benefits. But in the end those rates still have to be paid at the same high level.

I think we can do the work, look at what is happening to low-income earners. The ACT Affordable Housing Taskforce report showed that there is acute housing stress among housing owners. People who are buying their own properties, living in their own properties, are suffering from a whole range of ongoing costs that are putting them in severe hardship. The work needs to be done to see how we can help these people.

I know that during the debate on the substantive motion the Treasurer said he was a bit concerned about what we mean by low-income earners. Some people are often in and out of work and it is hard to calculate what we mean by low income. I think that clearly indicates why we need to look at this and examine it. Rates do impact on people's ability to pay for other things such as food and transport; they impact on their ability to pay for their children's education.

If we can have a discussion about what we mean by low income—who it is we want to help in this society or those who are in most need of help in this society—and work to provide that assistance, I think we will be well on the path of doing what it is governments are meant to do. So I hope that this work can be done and can be done in concert with the work being done by the Public Accounts Committee into revenue and that when these reports are tabled next year it will inform the debate that we have around

the budget about where our money is going and who it is in this community who is in most need of our support.

I thank members for their contributions to the debate. I hope it does inform the work of Treasury, which the Treasurer has already indicated is under way. I don't see why this is such a big burden. It is about just specifying that we want to look specifically at low-income earners and concession schemes for low-income earners. I hope that the work is timely and that it does provide a good basis for further debate in this Assembly.

Amendment agreed to.

Motion, as amended, agreed to.

Sentencing Reform Amendment Bill 2003

Debate resumed from 2 April 2003, on motion by **Mr Stefaniak**:

> That this bill be agreed to in principle.

MS DUNDAS (6.11): Mr Speaker, I would like to begin this debate by saying that I was pleased to receive a letter from Mr Stefaniak, last week I think, that indicated that he will be removing his support for clause 45 of this bill which had the consequence of victims of incest being able to be charged with the crime of incest. The crime of incest, I thought, was quite disturbing. The effect of the amendment would have been that people who are coerced into sexual intercourse with family members would also be guilty of incest. The easiest way to explain it is that if a 14-year-old boy had sex with his 12-year-old stepsister they would both be guilty of incest and the power role would have no bearing on the crime. I thought that this showed little understanding of incest, which is normally entirely based on power roles. As such, the current law reflects this knowledge.

I was quite concerned when I was going through this piece of legislation and saw that it also included this amendment. It indicated to me that what we had was a piece of legislation before us that was more interested in upping the penalties for crime than looking at what the crime was and what it means. I will repeat that I am grateful that Mr Stefaniak has withdrawn his support for that particular part of this legislation, because I was quite concerned to see it there.

Even though Mr Stefaniak has done that, it does not change my opposition to the bill as a whole. I see it as nothing more than scaremongering and a cynical attempt at setting up the Liberal opposition as being tough on crime. I think Mr Stefaniak seems to believe that harsher sentences will appease community fears and deter people from committing crimes.

While we have seen some sensationalist media reports in relation to crime, I hardly think that following the papers, as Mr Stefaniak says he has since he was Attorney-General, provides empirical evidence one way or the other as to the reality of sentencing in the ACT. It is not the media's job to report on the sentence of every person convicted of a crime in the territory. So it is hardly reasonable that Mr Stefaniak would use reading the newspaper as evidence that sentences need to be harsher. If Mr Stefaniak has concrete proof that sentencing in the ACT is substantially lighter than in New South

Wales, then he should have provided that information rather than basing important legislation on what is sometimes exaggerated reporting of a few high-profile cases.

This is not the first time that we have debated sentencing in this place. I can assume, as we get closer to the next election, it won't be the last. I note today that the Chief Minister has put out his platform for sentencing reform.

I said when we discussed sentencing guidelines last year that sentencing guidelines have not necessarily resulted in tougher sentences and there were many instances where they had completely the opposite effect. Punishment seems to be the name of the game, despite countless research demonstrating that this has little or no effect on the rate of crime. If we seriously want to reduce the incidence of crime we need to get serious about tackling the causes of crime and rehabilitating those in the criminal justice system rather than simply locking them up for longer periods of time. The punish, punish, punish solution that Mr Stefaniak and the Liberals have become wedded to only results in a higher prison population.

Since the government has yet been unable to find a suitable site for the prison in the ACT, this approach further adds to the strain that families of ACT prisoners have to face and again increases the chances of members of those families finding themselves more likely to fall into the clutches of the criminal justice system. I think when we are looking at these sentences we do really need to seriously consider the message that we are sending and look at how the cycle of crime starts with those who are caught up in the juvenile justice system. They might get done for a few small things, get sent to prison and actually learn more criminal behaviour while they are there. They come out; they have turned 18; they think crime is the way to go. They commit another offence; they go back to prison; and their whole family is impacted, their friends are impacted.

We are not actually working to rehabilitate these people; we are actually just putting them on the cycle of the criminal justice system. That seriously needs to change, and I don't think it will change if we support a piece of legislation that just makes them stay in jail for longer.

If we are to seriously debate law and order we would be looking at legislation that provided a greater emphasis on prevention and rehabilitation, not legislation that simply seeks to increase the prison population. We should be looking at measures that improve the lives of people so they aren't tempted to turn to crime. Let us improve health and education, proven factors that significantly reduce crime rates. Let us build a safe injecting room and put in place other programs to break the cycle of drug-dependent crime, which we know is so high here in the territory. But let us have a serious debate about the serious way to reduce crime.

I again note the government's intention to introduce its own sentencing reform legislation next year, with some very welcome reforms particularly in regard to victim impact statements and consolidation of sentencing legislation. But I won't be supportive of any attempts by the government, the opposition or any other members at scaremongering, outbidding each other on being tough on crime. That won't be a positive outcome for our community and it won't help those who are suffering as victims of crime.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (6.17): Mr Speaker, the government won't be supporting this bill, essentially because the government doesn't believe that the bill does anything to address either the causes of crime or criminal offending.

The government is serious about addressing the issues that make people vulnerable to involvement in the criminal justice system and last year initiated a complete review into sentencing. I reiterate the government's commitment to address the underlying causes of criminal behaviour and to examine existing law and programs with a view to improving their ability to deal effectively with offending behaviour.

An issues paper on sentencing was released in September by the review committee and has been followed up by an issues paper examining the use of restorative justice and victim offender conferencing in the territory. Submissions from the public and key stakeholders have been sought and received, and wide community consultation has taken place and continues to take place. I anticipate that a reform package of legislation in relation to sentencing will be introduced very early next year.

I don't think that community-based sentences should be regarded as a soft option. It is the soft, the easy and the populist response to law issues to simply accuse your opponents of being soft and pretend that you have really got the matter under control just by ramping up penalties. For those that experience community-based sentences, they can offer great challenges while enabling them to address their offending behaviour. The government has chosen to focus on whether existing sentencing law and programs can be improved to achieve outcomes from sentencing that deal effectively with offending behaviour, reflect legitimate community expectations and address the causes of crime.

That is, Mr Speaker, in stark contrast to the bill that we are debating now. There are a number of elements in that that I will touch upon. The bill firstly would empower the Court of Appeal to issue guideline judgments to be taken into account by courts when sentencing offenders. The primary purpose of guidelines is allegedly to promote consistency amongst judicial decision makers. There is arguably a much stronger case for the introduction of guideline judgments in larger jurisdictions such as New South Wales where there may be some scope for inconsistencies in sentencing outcomes to develop. Consistency however is much easier to maintain in the ACT where we have four judges and eight magistrates.

I have to say, Mr Speaker, the government is of the view that not only do guidelines have very little utility in the ACT—and we do oppose their introduction—but there is quite a legitimate view being expressed through decisions of the High Court that there is a real danger that guideline judgments, in other words legislatures interfering in relation to issues such as the form the judgment should take, do represent a real challenge to the separation of powers between the legislature and the judiciary. I think it represents a real interference in that issue of judicial independence and integrity which is just a fundamental part of our court system.

The bill, secondly, seeks to increase the maximum penalties for a number of offences in the Crimes Act in an attempt, we are advised by the opposition, to bring them into line with penalties in New South Wales as if there is some sort of magic about the way in which criminal justice is conducted in New South Wales.

This interesting mantra that we receive from the opposition in relation to law and order issues is: they do it in Sydney, they do it New South Wales: if it is good enough for New South Wales, then it should be good enough for us. This apparently is the basis on which the Liberal Party proposes to amend a whole range of penalty provisions throughout the ACT criminal law—namely, let us have a look and see what they do in New South Wales; if it is good enough there it is good enough for us. There is no attempt at any objective assessment or analysis of the implication of the change, just this: "Oh, well, they have done it in New South Wales; it must be right." One wonders whether or not the Liberal Party here is prepared to adopt that attitude in relation to the raft of legislation that applies in New South Wales and some of the other issues or policies that emanate in New South Wales from time to time.

But I think we need to acknowledge that there are significant differences, thank goodness, between Canberra and Sydney, and indeed between the ACT and New South Wales. We are very different; we have a different range of issues; we have a different range of issues to confront; we have different processes. We shouldn't simply say, "Well, this is the criminal law in New South Wales—if it is good enough for them it should be good enough for us—let's change all of our criminal law to match a range of changes or reforms that apply in New South Wales."

Over and above that, there are a significant number of inconsistencies in the maximum penalties that the Liberal Party seeks to set in relation to this. The maximum penalties for criminal offences are currently being examined, as I say, as part of the government's program of reform of the territory's criminal law. Indeed, as everybody here knows, the government has embarked on the incremental adoption of all of the recommendations of the Model Criminal Code Officers Committee. We will have the most modern criminal law in Australia when that process is concluded. That is the most consulted criminal law process, I think, in the history of the nation, and everybody here knows that.

The model Criminal Code process is something that has been carried on across governments, all governments in every state and territory in the Commonwealth, for more than a decade. It really is a model, and that is what the ACT government is basing its reforms on.

It is important to note that, while increasing the maximum penalties is an expression of legislative policy the courts recognise and apply, having regard to the proper discretion of the courts, this will not necessarily result in any actual higher sentences being imposed. I think we need to have regard to that. There is this simplistic, lazy approach to criminal law reform: look, just ramp the penalties up and everything will be right. It ignores the way the criminal justice system operates; it is a real fraud on the people within the community to have politicians come out and say, "Look, we can fix that problem; all you've got to do is impose a life sentence or actually arrange for a maximum penalty of 30 years imprisonment or perhaps even life imprisonment and you'll fix the problem."

It is just a lazy nonsense and, I think, a fraud on the people that we are seeking to represent when, at the end of the day, it might have absolutely no impact at all. More often than not it won't; it doesn't touch the causes of crime; it has almost no impact on whether or not a particular crime will be committed; and essentially it ignores the basis

on which the courts operate; it ignores the fact that the courts have discretion in these matters and will make the decisions. I have to say that the government considers strongly that the approach taken by the committee to develop a regime of serious criminal offences with suitable penalties has been far more rigorous than the ad hoc approach to law reform adopted by Mr Stefaniak in relation to this issue by saying, "Oh, well, that's the penalty in New South Wales; we'll just bung that on here."

There are some examples that we might turn to. In fact, Ms Dundas turns to the situation that Mr Stefaniak would create in relation to incest. There is another example, I think, that really does need to be made in relation to law reform of this order. Mr Stefaniak proposes that a person who inflicts grievous bodily harm on another person with the intent to engage in sexual intercourse with that person in the company of others, often referred to as sexual assault in the first degree, would be guilty of an offence which carries the same penalty as murder—life imprisonment. Mr Stefaniak proposes to increase the penalty for sexual intercourse without consent in the company of others to life imprisonment, the ultimate penalty in Australia, the same as the penalty that applies to murder.

Every criminologist that you care to talk about in relation to an approach such as that—to the imposition of the death penalty—will say to you: you are essentially inviting a criminal of that order, if they really are tough and unrepentant and beyond hope, to not just rape or sexually assault that person in company but, having regard to the penalty that you seek to impose, to kill. That is what they will tell you. If the penalty for rape is the same as the penalty for murder, criminologists will tell you, some criminals will take that extra step. They will undertake the rape, they will commit the rape and they will say, "Well, what's the penalty for what I've just done? The penalty's life imprisonment, no remission, you're done." Those unrepentant criminals—and we do have people of such appalling standard, we do have some people beyond hope; we all know that—are absolutely beastly people within our communities and they do commit these most horrendous crimes.

Here we have an approach to law and order that looks good, looks tough; it's easy; "I'm tough; I'm tough on crime; I know how you deal with these issues; you just ramp up all the penalties." Here we have currently as a maximum penalty for rape of this order 20 years imprisonment. "I'll show how tough I am; I'll bung it up to life imprisonment," without any regard for what those that study issues around criminology, criminality and sentencing will tell you: one of the potential implications of imposing a penalty of life imprisonment for rape will be that some rapists will take the view that they have nothing to lose; they have now committed an offence that calls for life imprisonment.

The only other offence that calls for that penalty is murder. They will take the odds to it, so as to, in their own thinking, seek to avoid, through the death of the victim, exposure or arrest.

Mr Stefaniak: Come on!

MR STANHOPE: You may think it is extreme. I make the point that that is what criminologists will tell you. Yet, with this sort of quick, flash, "I'm tough on crime", knee-jerk, lazy approach to law making here, you end up with those sorts of results.

Another aspect of the bill is that it creates a number of new specific offences that prohibit conduct currently covered by general offences in the Crimes Act. Specific offences like those that appear in the bill could create confusion about which offence should be charged and could in fact make prosecutions more difficult by requiring the proof of additional elements of the offence. For example, the government doesn't consider that a specific offence of car jacking is necessary. Why do we have to dream up these new offences—car jacking? Car jacking is covered in the Crimes Act. Anybody that pinches a car is guilty of an offence.

It is new-age, jazzy law making. This comes about all of a sudden from watching too much American television. We have got a whole raft of offences in the Crimes Act that cover the stealing and taking away of cars in a multitude of circumstances. But it is all sexy, it is new age and it is a gas. "Oh, let's introduce a new offence, car jacking. We'll get serious about people who pinch cars. We'll actually invent a whole new offence, car jacking."

Mr Stefaniak: You don't understand anything, but go on.

MR STANHOPE: That is what it is like; it is pop law making; it is populist; it is pop; it is jazzy; it is sexy. You don't need new offences such as that. That conduct is prohibited just in the general offence of robbery or forceful confinement. We have a range and a raft of offences to cover car jacking. It is called robbery; it is called forceful confinement; it is in there, Bill; it is all covered. Just pretending that you can address issues around criminality and crime by inventing new offences really is, as I said before, a fraud.

Sitting suspended from 6.30 to 8.00 pm.

MR STANHOPE: Mr Speaker, the government is also concerned about the repeal of sections 27 (3) (f) and 28 (2) (c) of the Crimes Act which provide that it is an offence to set a trap or device for the purpose of creating circumstances likely to endanger human life, cause a person grievous bodily harm or is dangerous to the health, safety or physical wellbeing of another person, including a trespasser.

Mr Stefaniak's bill would introduce a new replacement offence of setting a trap which would prohibit conduct of the kind currently covered by section 22 (3) (f). However, that offence will not apply in relation to any trap, device or thing placed or set in a dwelling for the protection of the dwelling. This amounts to an incredible step back into the dark ages.

These offences that Mr Stefaniak would propose to reintroduce were originally established in the late 19th century to address the habit of English landowners of setting large traps, some of which were capable of cutting a man in half, against poachers and trespassers. Mr Stefaniak seems to confirm that some people still want to deter unwanted trespassers with lethal instruments, and that property is worth more than human life. I am concerned that the bill sends a message that such actions are condoned.

Mr Stefaniak: Come on!

MR STANHOPE: It does. It says these actions are condoned; you can set life-threatening traps in your home against people that would wish to enter. It is like a law

that I read about just today that had been passed in a jurisdiction in the United States of America requiring every household to own a gun to protect them against burglars.

Mr Stefaniak: Come on!

MR STANHOPE: I am not joking. This is similar to that. In a town in the United States there is a law requiring every household to have a gun. It is the same mentality as this—allowing householders to set traps in their homes to deter potential trespassers or burglars.

This is the sort of law and order included in Mr Stefaniak's approach to these serious issues: you should reintroduce provisions that allow the setting of traps. *[Extension of time granted.]* We should, in Canberra, what we regard as a civilised society, allow the setting of traps or devices guaranteed to endanger human life or to cause grievous bodily harm or danger to health, safety or physical wellbeing as a response to burglary. I think that is heinous. I think that is outrageous. It is outrageous that the Liberal Party would condone, would encourage the setting of man-traps—that is what they used to be regarded as—as a means of deterring property crime or burglaries.

The criminal law proceeds on the basis that we must always—I would have thought humanity and civilisation proceeded on the same basis—hold human life, welfare and safety above all else, certainly above all of our property and all of our possessions. But that is not the view of the Liberal Party. Protect your property at the cost perhaps of somebody else's life or welfare. That is what this is about. That is the provision. That is what Mr Stefaniak proposes, and I think it is simply outrageous that, in our civilised community, we would be legislating to introduce so-called man-traps as a legitimate device to protect our property against burglars or thieves.

The fourth part of Mr Stefaniak's package of reforms proposes, amongst other things, the repeal of section 345 of the Crimes Act which currently provides that a court shall not pass a sentence of imprisonment on any person unless the court, after having considered all other available penalties, is satisfied that no other penalty is appropriate in the circumstances of the case. These statutory provisions recognise a well-established common law principle and are consistent with Australia's human rights obligations and the government's commitment to implement the recommendations of the royal commission into Aboriginal deaths in custody.

I have concerns about the impact of imprisonment on offenders, particularly young offenders. They are more likely to learn about crime whilst in custody and less likely to address their offending behaviour. The government believes that the court should have regard to the full range of sentencing options available at the time of sentencing and doesn't support the repeal of the section.

Mr Stefaniak also makes generalisations about the sincerity of any offender's remorse when making the case for the removal of this from the list of factors that the court should have regard to in sentencing, pursuant to section 342 of the Crimes Act. I consider—and I think most of us would consider—that the question of whether an offender's remorse is genuine or not is one of those issues that should be left to the court. Why would you wish to remove from the court the discretion or the capacity to make a judgment about whether or not an offender is genuine in the remorse they show?

Mr Stefaniak and the Liberal Party think criminals are so adept at actually acting and pretending that they are remorseful when they are not that the court should be prohibited from considering remorse, should actually not be able to take into account whether or not an offender is genuinely remorseful because the Liberals don't think that our judges or our magistrates have the capacity to make that determination, that they can't be trusted to judge whether or not a criminal is remorseful. We can't proceed on the basis that you can't trust your judiciary. Given the vast experience of our judicial officers, I trust and I believe the courts are able to identify genuine displays of remorse and should be able to take those into account.

Similarly, the Liberals express the view that considering the cultural background of an offender is discriminatory. Here is another ripper; it is almost like the anti-feminism that was exhibited by Mrs Dunne the other day—this sort of view that a real woman gets where she is on the basis of her merits, that we didn't need a feminist movement. Here we are with a continuation of the theme. Mr Stefaniak is expressing the view on behalf of the Liberals that courts should not take into account the cultural background of a particular offender because it is discriminatory.

It is the same black-armband view of history that the Liberals apply to Aboriginal reconciliation. We saw it the other day with Mrs Dunne suggesting that real women got where they are today without the benefit of the feminist movement or feminism. Here we have it again: it is not appropriate for the courts to consider the cultural background of an offender because that discriminates against those that perhaps don't have that same cultural background. What absolute arrant nonsense and what a total misunderstanding of the forces that affect and are relevant to the behaviour of all of us!

I think cultural background could, in some instances, be a very important factor in their behaviour. I think it applies particularly in relation to Aboriginals and perhaps the high rate of Aboriginal deaths in custody. The cultural background is acknowledged by everyone that thinks about these issues or is concerned about them; cultural factors are fundamental to some of the issues that have led to the unacceptable, high level of Aboriginal deaths in custody. We won't be supporting those amendments as well.

Finally, the bill would establish a new scheme of standard minimum sentencing for various offences, based on the scheme recently introduced in New South Wales. The judge may impose a greater or lesser sentence if there are aggravating or mitigating factors, but there is no choice about what the starting point will be. Despite everything that the Liberals will say about that, that is mandatory sentencing.

Mr Stefaniak: Nonsense.

MR STANHOPE: That is a form of mandatory sentencing. That is where it starts. It is a minimum sentence. The judge can take some mitigating factors into account or he can take some aggravating factors into account, but he has a starting point. He has a starting point as a minimum sentence; it is a mandatory sentence. Once again, it is the legislature interfering with the discretion of the judiciary. Once again, it is an interference that goes to the issue of the separation of powers.

Once again, it is the Liberal Party saying, "Look, you can't trust your courts; you can't trust your magistrates; you can't trust your judges; they're not to be trusted; we've got to impose a regime of minimum sentences here in the ACT." It is standard minimum sentencing. It is a euphemism for mandatory sentencing and it should be opposed by every thinking person.

By way of example, the bill sets a standard, non-parole period of two years jail for any offender convicted of burglary if the offender has been convicted of a burglary offence in the previous five years. That is a mandatory sentence of two years in that circumstance, and it should be opposed at all costs. It fails to acknowledge the complexities of sentencing; it is so simplistic; it doesn't acknowledge all of the range of factors that a court must take into account; it doesn't acknowledge the complexity of sentencing; and it will probably deter courts from imposing sentences of imprisonment at all because they know the long-term or the down-the-track effect.

It will probably rebound on the law and order merchants, the lock 'em up merchants, we have here. You impose these minimum standard sentences; you impose a two-year mandatory sentence for burglary in these circumstances. You know what some magistrates will do; they won't sentence at all. And it fails to take into account the jurisdictional limits of the Magistrates Court in any event.

This government has confidence in the judiciary; the Liberals obviously don't. You should trust your courts, your judges and your magistrates.

MR SPEAKER: The member's time has expired.

MS TUCKER (8.12): The Greens will not be supporting this legislation either. I have to say that I was very impressed by the Labor government, and Jon Stanhope in particular, in terms of his approach to the question of justice in the ACT. I know that he is actually standing out amongst other state and federal leaders, I would suggest, in his response to the very pressured area of how we deal with crime in our society.

The work I have done in the Health Committee, and the education committee previously, that has touched on this area, has always been informed by experts in the field, such as the Institute of Criminology and academics who talk about this notion of restorative justice. I wasn't even particularly familiar with what that was until we did that work. It was so obviously impressive, intelligent, productive and constructive in terms of how you approach the problem of crime in your society.

I hear Mr Pratt, Mr Stefaniak and Mrs Burke kind of ranting or chanting—more like a chant. Mr Pratt's interjections are more like a chant; he just keeps saying the same thing over and over again, which is "protecting the community, protecting the community, protecting the community". So Mr Pratt is trying to introduce into this debate, through his loud interjections, the notion of protecting the community, as if in some way—

Mr Pratt: It is more colourful than your contribution.

MS TUCKER: And he continues to do that. I don't know why he thinks it is an effective tool. But as Ms Gallagher has said today, if it makes people feel better to do that, I guess we just have to let them feel better in that way.

But basically, of course, all of us in this Assembly want to protect the community. That is a given. The question is not whether we want to protect the community or not; the question is what is the best way to do it. And that is what this debate is about.

What we can see from various governments around Australia, the Liberal opposition here and Liberal oppositions around Australia as well is this tendency to pick up concern in the community about crime. Instead of actually looking at the causes of crime and taking a thoughtful and evidence-based response to it, they actually fan the fear in the community. You see the kind of media that is put out by people who are promoting this particular response—and it is the law and order campaign, that race to see who is going to be the toughest on criminals.

As Mr Stanhope and I think Ms Dundas said, that may have some electoral advantage. I imagine that is why politicians of both persuasions tend to pursue it because, if people are frightened, they will be reassured to some degree if the people in authority tell them that this problem will be dealt with by just imprisoning and incarcerating more people.

But in fact you find, when you talk to members of the community, many people do understand that the question is much more complex than that. Many people do understand that, to produce better outcomes, it is better to actually look at what is going on on the ground in the community by people who are committing these crimes. What you also see from the notion of restorative justice is that the outcomes in many cases are much better, not only for the victims of crime but for the perpetrators as well—for both victims and perpetrators. When you actually have a look at what the causes of crime are in our community, it makes even more sense to take this approach.

First of all, we can look at crime in Canberra. The majority of it is drug related. The blueprint that was produced recently—from memory, it was a blueprint to look at the questions of crime in our society and how to prevent crime—had a list of offences. But very unfortunately they actually did not, in that document, make clear the link to how many of those offences were actually committed by people who had a problem with substance abuse. However, if you want to find those statistics, they are available.

I can recall, from one of the committee inquiries that I did looking at young people—and I think in a recent one as well, by the committee that looked at the rights of the child—a very large percentage of particularly young people who go through the courts do indeed have trouble in their lives due to substance abuse. If you also look at a profile of people who are committing crimes, you will find that people with a mental illness are, unfortunately, quite highly represented in that group.

You also see, as Mr Stanhope said, people who are indigenous Australians are over-represented. You also see a relationship between children and adults who have been abused as children. If you look at the statistics on women in prison, a very high percentage of them actually suffered sexual abuse as children. When you have a look at the relationship between poverty, family dysfunction and family chaos in people's lives, you will also see a relationship between that life experience and their incapacity to work

as constructive citizens in our community and to be more likely to be engaged in some kind of anti-social behaviour.

So when you actually look at what is happening in our society, and understand where that crime is coming from, it is pretty obvious that you are not going to be serving the society as a whole if you continue to just focus on this notion of punishment and incarceration. Obviously, if people are in extreme danger to the community, then you have to protect the community from them, and there are some people for which there is no other option than to incarcerate them.

But a much larger group of people who come into contact with the criminal justice system do not fall into that category. If you want to support them in a way that is rehabilitative—and we cannot pretend that that would be the case in any prison in Australia at this point in time—you should actually support them and skill them up, give them opportunities to become employed, work with their substance abuse or their mental illness, with their intellectual disability. That is also a group that is unfortunately quite highly represented in the prison population. If you have services that support these people and so on, that is how you go about preventing crime.

There has been a crime committed, though, and we are past that. You have these very complex social problems evident in the person concerned; you know that by incarcerating that person you will only make those problems worse; you know that that person will be released back into the community—Mr Stefaniak hasn't at this point, as far as I know, wanted to lock up everyone forever, although we are getting a bit close to it with some parts of this bill; but, as far as I know, that is not the desire of the Liberals at this point—you know what happens. Those people have been brutalised by that experience. That is the very issue that we are getting to when we talk about allowing the community and the government of the day to take the opportunity to have a really thoughtful look at sentencing.

Jon Stanhope announced last year that he had initiated this review of sentencing. We have also seen a major statement from him regarding restorative justice, and that notion is being further developed. I am very proud to be able to support initiatives such as that and am very grateful that in fact I have the opportunity to do so because I think this Legislative Assembly is unique in having someone showing leadership in this area.

MR PRATT (8.21): I rise to support this bill. I rise essentially to talk about how utterly frustrated ACT police are and how frustrated I am on behalf of victims of crime who go into court and see an offender who has been convicted of a serious offence walk away with a bond, or some other form of minimal punishment. Some offenders have been known to throw this back in the face of police, knowing full well that our court system and our justice system are overlenient. It is pretty damn depressing, and difficult, for police to put out of their minds the fact that they do a lot of hard work and often endure extensive cross-examination only to see the offender walk free after being convicted.

Police have a lesser problem when they know someone is not guilty, or found not guilty, especially if that occurs by jury. They accept that. That is part of the process. It is more frustrating for police to see someone walk away with very little penalty, especially when they know full well the magnitude of the crime the person has committed. I get this feedback from ACT police fairly regularly. When they talk about systemic weakness in

the ACT, this is what police talk about most often.

Mr Stanhope: Who are they? Which police are they?

MR PRATT: You'd like to know, wouldn't you, Chief Minister?

Mr Stanhope: This is just off the record, is it?

MR PRATT: Ms Gallagher has a bill before—

Mr Stanhope: This is down the pub, is it?

MR PRATT: In fact, Chief Minister, I talk to stakeholders in the police business regularly. That is my job.

Mr Stanhope: Are policemen leaking to you, Mr Pratt?

MR PRATT: They are pointing out the concerns that they have to face, which your government does hardly anything about.

Ms Gallagher has a bill before us for debate tomorrow where the maximum penalty for industrial manslaughter is 25 years. Normal manslaughter is still only 20 years. Mr Stefaniak's bill at least increases the maximum penalty to 25 years, making it consistent with Ms Gallagher's industrial manslaughter maximum penalty—if we even accept that. If his bill is rejected, the industrial manslaughter legislation—if it gets up, and on the numbers it probably will—will have a much higher maximum penalty than any other type of manslaughter.

Ms Dundas: On a point of order, Mr Speaker: I would like your guidance on this matter. Is Mr Pratt anticipating discussion, under standing order 59?

Mr Stefaniak: You do not like free speech?

Ms Dundas: I am asking the question.

MR PRATT: What are you afraid of, Ms Dundas?

Ms Dundas: I am afraid that you are anticipating debate and breaking the standing orders. We will have the debate on industrial manslaughter tomorrow, Mr Pratt.

MR SPEAKER: It is open to members to compare these things. If Mr Pratt strays into an argument about whether it is appropriate to have industrial manslaughter laws or not, then you are right, Ms Dundas. But I think it is open to him to draw comparisons.

Ms Dundas: Thank you, Mr Speaker. That is all I was asking.

MR PRATT: Thank you, Mr Speaker. I am sure that we were quite clear about that in the first instance. I was going to say that this is reason in itself for the government to at least vote in principle for this sensible piece of legislation, if you use the industrial manslaughter proposal as a benchmark.

The government is very happy for us to be consistent with New South Wales when it suits them, an example being Ms Gallagher's industrial relations legislation put down on the table and to be discussed tomorrow. Also, the Treasurer regularly states that he wants us to be in line with New South Wales when it comes to taxes and other monetary issues, which will clearly bring in extra revenue to the territory. Yet when it goes against this government's soft-on-crime views, there is no way in the world they would adopt sensible laws that apply in New South Wales.

Earlier, the Chief Minister raised relevance to cross-jurisdictional law. There is a lot of relevance if those laws impact on border/regional matters. The Chief Minister has raised some quite interesting criminology issues, which I agree bear further analysis. But the Chief Minister does not seem to understand what taking responsibility for action means and where it starts. It is not in his lexicon.

Social justice is pre-eminent in the Chief Minister's thinking, but what about community safety? What about the fact that some people need to be locked away from society? Some people, some of the time, need to be locked away from society for appropriate periods of time in the interests of the community and for the sake of community safety. Deterrence, complementing diversionary strategies, is also a legitimate strategy.

One of the new offences Mr Stefaniak has introduced in his bill is car-jacking, which will have a maximum penalty of 10 years, or 14 years for aggravating circumstances. This is the same provision as for the existing New South Wales offence. In many cases, the people who commit car-jacking are doing it in both jurisdictions. Included, in line with the New South Wales act, are some additional offences in relation to assaulting, stalking or harassing a police officer; obtaining personal information about a police officer; and stalking a person associated with a police officer.

As shadow police minister, I am very keen to see that our police force are protected. They have a very difficult job. The community asks our police to step up and step into the fray in too many cases. If we are going to ask our police to do that, we need to make sure that there are instruments in place that protect our police to the furthest possible extent. That is what this piece of legislation is all about.

The four offences I have listed above have in fact been requested by the AFPA. They are very important to police, and the government is disregarding the interests of the police. Does the government want the police to be punching-bags for any fool who wants to assault them in the street, without having adequate offences to counter this problem?

Mr Wood: Gross exaggeration!

MR PRATT: Police do get beaten up, Minister, in case you have not looked lately. The current offences in relation to assaulting police are far from adequate in the view of police. That is what police are saying, Minister. Do something about it; don't just bleat about it. We should not, in cavalier fashion, ignore the police when we develop policy. When we in this place develop policy, we need to take into account police advice. If the police are going to be protected, and encouraged to go out and do the tough jobs that the community asks them to do, we need to have those instruments in place to protect them.

Ms Dundas's comment that this is a "punishment, punishment, punishment" regime—

Ms Dundas: Only "punish, punish".

MR PRATT: Perhaps it was only two—ignores the fact that all successful societies and civilisations have, and continue to function with, a broad range of complementary strategies: reform, rehabilitation, diversionary programs and social justice and sentencing strategies. Sentencing strategies are key strategies in society's arsenal for taking on crime.

To seek to write out sentencing policy because the Democrats and the Chief Minister do not like sentencing policies is somewhat naive. Society can rehabilitate, society can be compassionate and society can also be firm in laying down markers for criminal behaviour. Society has to do that. Our police force will not thank society if society demands that it do the impossible.

The Chief Minister talks about the dark ages. This is outrageous. These are the rantings of a Chief Minister who is so wrapped up in his own unrealistic, emotional social justice regime that he has destroyed, at least in his own mind, the need for meaningful, legitimate sentencing—the sort of legitimate sentencing that might ensure against offenders continuing to go through the revolving door with impunity.

For example, in the territory we have serial, violent bag-snatchers—people who pray on the elderly and snatch their handbags—but they do not get taken out of society to get what they deserve. This seems to be the Chief Minister's thinking. This mob across the chamber are clearly too soft on crime. As for Ms Tucker, she is so defensive about her soft-on-crime regime, sniping away at other people in this place without provocation, that she betrays her insecurity about her law-and-order policy regime.

With her irresponsible, extremist views on how we should tackle crime, what have the police got to look to? What protection do our police get from crossbenchers with irresponsible policies on law and order? I commend the bill, and I hope that this place will see sense and bring some commonsense back into our law and order policy.

MR CORNWELL (8.33): I was struck by something that Mr Stefaniak said in his opening speech: 72 of the 75 submissions that he received supported a tougher sentencing approach. It then occurred to me that the people of this chamber who stand up and talk about restorative justice, and all this sort of nonsense, are so far isolated from criminal activity as to be a joke.

The chardonnay socialists and their fellow travellers are far removed from criminal activity. Prattling about addressing the causes of criminal behaviour, they conveniently overlook the fact that they do nothing to help the victims of ongoing crime. Isn't it wonderful to sit down and make an academic decision on this matter? You may leave, Ms Dundas. I am addressing it to you.

Ms Dundas: Because you have no idea about—

MR CORNWELL: I am addressing it to you and Ms Tucker and the rest of the fellow travellers. But never mind. Most of the people who make these comments have a great

deal to say about illegal, perhaps even economic refugees, turning up in leaky boats being locked up. “This is appalling, this is terrible, this is tragedy!” This is also the law of Australia. But they have nothing much to say about locking up local criminals. To repeat: soft on crime, good old sock, is the Labor Party’s mantra as far as law and order is concerned.

The phrase I hear most about crime in Canberra from ordinary people is a sad, apathetic remark that nothing will happen in relation to some outrage, some criminal offence. “Nothing will happen.” Why? Because the average law-abiding citizen has lost all faith in justice in the ACT. There is no guarantee that this will improve with the introduction of the bill of rorts—pardon me, Mr Speaker—rights. It is quite the opposite, I understand, because under the bill matters will be resolved by ACT courts—the very body that no longer has the confidence of the general public to deliver justice.

Mr Corbell: On a point of order, Mr Speaker: it is highly disorderly to reflect upon the judiciary, which is exactly what Mr Cornwell is doing.

MR SPEAKER: I think he is reflecting.

MR CORNWELL: On the point of order, Mr Speaker: I did not reflect on the judiciary. I said “courts”.

Mr Hargreaves: You said that they don’t have the confidence of the community.

MR CORNWELL: Mr Stanhope said that the courts won’t sentence at all and that we had to trust our courts. I would suggest that the “won’t sentence at all”—if Mr Corbell is raising this question—is equally critical. But I did not mention the judiciary; I mentioned courts.

MR SPEAKER: Standing order 54 makes it clear that you cannot use offensive words against the Assembly or any member of the Assembly or against any member of the judiciary. I have not heard any offensive words against a member of the judiciary.

MR CORNWELL: Thank you for your protection, Mr Speaker. I repeat that it is a problem that under the bill criminal matters will be resolved by the very body, the ACT courts, that no longer has the confidence of the general public in the delivery of justice. This is certainly my experience out there in the community. Further, as the name implies, we are talking about a bill of rights, not responsibilities.

MR SPEAKER: Order! The bill of rights has got nothing to do with this debate.

MR CORNWELL: With respect, Mr Speaker, what law and justice lack in the territory are responsibilities. The approach is that we no longer believe that people should be punished for criminal activity. Yes, we are planning a prison. I accept that. But the way the restorative justice people and the rehabilitation people are talking, we will be able to save money on the gates because there won’t be any prisoners. It will be more like an upmarket motel.

We had a social homily from Ms Tucker, again, talking about which ones are dangerous and how you rehabilitate them. There was no explanation of how this happens. There has

been a takeover of justice by the anti-justice lobby, with their quite breathtaking arguments against most sentencing laws. Two examples will suffice. Mr Stanhope is very good at setting up straw men and knocking them down. I intend to do the same. The first example I will give is—

Mr Corbell: We need tough laws on drink-driving, Mr Cornwell! That's what we need.

MR SPEAKER: Order, Mr Corbell! Mr Cornwell has the floor.

Mr Smyth: On a point of order, Mr Speaker: if Mr Corbell is casting an imputation on a former member of this place, a Labor member, who was done for drink-driving, he should withdraw it.

Mr Corbell: We're not casting aspersions on a former member, Mr Smyth!

MR SPEAKER: Order! There is no point of order.

MR CORNWELL: Mr Stanhope sets up the straw men every time and knocks them down.

Members interjecting—

MR SPEAKER: Order, members! Mr Cornwell has the floor.

MR CORNWELL: Thank you. I repeat: there is, or has been, a takeover of justice by the anti-justice lobby and there have been some quite breathtaking arguments against most sentencing laws. Two examples will suffice. The first one is: the death penalty is no deterrent.

Mr Hargreaves: It certainly is a cure!

Mr Stanhope: Bring back the gallows! I missed that in the bill.

MR CORNWELL: Don't pinch my lines, Mr Stanhope. This is said with finality. It is the ultimate justification of the abolition of the death penalty. But who said it? Who said that the death penalty is no deterrent—apart from the offenders, some of whom, thanks to the absence of the death penalty, have been released and have killed again? That is a tragic reality not mentioned by its abolitionists.

Mr Corbell: Do you support the penalty, Mr Cornwell?

MR CORNWELL: Yes, I do in certain circumstances.

Mr Corbell: You do, do you? Oh, good-oh.

MR CORNWELL: Mr Corbell, I am on the public record as saying that on a number of occasions.

Mr Corbell: Does your leader support the death penalty? Is that the Liberal Party position?

MR CORNWELL: Unlike you—although I will withdraw that, if necessary—I do not mind standing up for what I believe in. But never mind the tragic reality not mentioned by these abolitionists. Of course it is no deterrent, and no advocate of the death penalty has ever suggested that it was. This is the straw man that we like to set up.

The second example concerns Aboriginals and the disproportionate number of these people in jail. That is correct. There are a disproportionate number of them in jail. Why? Because they commit more crimes and have fewer opportunities to delay justice than others. It is all very well to talk about this. However the outrage when this statistic is quoted is to infer that our indigenous Australians are somehow in jail due to an abuse of justice, that they should not be there at all, that they are all not guilty.

Mr Wood: Who says that?

Mr Corbell: Ah! They're all guilty!

MR CORNWELL: Seriously, the claim about their disproportionate numbers in jail is not followed up by any rational, reasonable or publicly acceptable alternative. We must come up with something.

Mr Corbell: I think your leader's getting very uncomfortable, Mr Cornwell.

Mr Wood: He's turned around and said, "Shut up and sit down." Listen to him! You'd better quit while you're ahead, Greg.

MR SPEAKER: Order, members! Order, Mr Wood!

Mr Hargreaves: On a point of order, Mr Speaker: I thought I heard the Leader of the Opposition call his colleague a hypocrite, and I would like him to withdraw it.

MR SPEAKER: Order, members! Settle down. Mr Cornwell has the floor.

MR CORNWELL: The fact is that no rational, reasonable or, indeed, publicly acceptable alternative has been put forward to assist Aboriginal Australians to remain out of jail. It is all very well for people to talk about the disproportionate number of them there, but nobody has come up with an alternative.

The inference is that eventually there should be no penalties at all, firstly perhaps in the case of Aboriginals going to jail. Again, this is stepping away from individual responsibility, which people need to accept. I also suggest an inference of an erosion of justice and of crime and punishment, which one day may spread to everybody. If you doubt this, I will quote from Professor David Flint's *The twilight of the elites*. It reads:

> In the last three decades of the twentieth century expenditure on public order and safety increased by a massive 417.5%, rising from 0.8% GDP to 1.5%. The number of police per 100,000 population rose from under 150 to 237 in 1993,—

Obviously, this is Australia wide—

> falling back to 212 in 2000. But the ratio of police officers to serious crimes fell over one half (from over 0.1 to a little over 0.05). This was because the rate of serious crime has risen dramatically from above 1,600 per 100,000 population to almost 4,000. Nevertheless the ratio of imprisonment to serious crime fell by about a quarter during the same period, and that of imprisonment to violent crime fell by 90%. Jennifer Buckingham (2001) says we cannot be sure how much of this is because of leniency in sentencing, and how much this is because of lower arrest and conviction rates.
>
> Whatever the reason, fear of a substantial prison sentence is no longer the deterrent to crime it once was—criminals know that even if they are caught and convicted, there is a good chance of a soft sentence. The public knows this, but if this obvious fact is ever mentioned, the elites resort to the tactic of branding or labelling the opposition, but not themselves. The critic is frequently categorised by the pejorative term, loved by the American elites,

And, indeed, our Chief Minister—

> "redneck".

Does that ring a bell?

> Or if the issue is raised by a radio talkback host, he becomes a "shock jock".

Members, I support a tightening-up, as I believe do the majority of people in the ACT. The inference to be made from the submissions received and quoted by Mr Stefaniak—72 out of 75 supported a tougher sentencing approach—is that we must look very seriously at this matter. Clearly, whilst the law may be being upheld in the ACT, we do not believe that justice is being done to the law-abiding citizens, who are the majority.

MR HARGREAVES (8.47): I thank the members opposite for their diatribe. The extent of venom in their speeches and the way in which they viciously attacked the crossbench do them no credit at all. I do not believe that there is one modicum of compassion in the people on that side of the chamber. I do not think that these people have got the foggiest idea about what restorative justice principles are.

In fact, Mr Speaker, I might suggest to you that they get it mixed up with a desire on certain people's part for revenge. There is no restoring people to the community. There is no such thing as restoring the community after it has been damaged. There is no such consideration of the third victim in this, which is the family of the perpetrators. That all goes out the window. All they are talking about is jacking it up.

It would be the same as taking a finger off every time you get a driving offence. It is absolutely stupid; it does not work. It is recognised corrections theory that harsher sentences do not deter criminals. There are more of them being bred every day, and what we need to do is go down the prevention track. Embracing this absolute gut-wrenching need for revenge and criticising viciously everybody that stands in the way does not do anybody any credit at all.

Mr Cornwell talked about the anti-justice lobby. What an absolute screaming bucketful of rot that was. I will tell you who the anti-justice lobby is, Mr Speaker. It is that crowd

opposite. There is no justice in jacking up the sentences. There is no justice in filling up the prisons. There is no justice in extending the term of education in the university of criminality. Where is the justice in that? All you are doing is making sure you get a better standard of crook coming out. That is all you are doing. You are just going to create a better standard of crook out there on the streets by doing this.

Have you thought about how much it is going to cost us? Have you thought about the cost to the ACT taxpayer of the actual crimes that are committed here and the actual amount of money you are going to cost us? Well, let's have a look at it. You want to jack all these sentences up so people go to jail for the best part of their lives. Let's see you stick your hand in your pocket for the 75,000 bucks a year it is going to cost.

Where is the prison? You blokes did not even produce one. You could not do it. Why was that? Because you could not produce the goods to prove to anybody that it was going to work. You are just doing your mates a favour to build one so that people like you can fill them up.

You would not have the faintest idea about these issues. You trot out David Flint. How about trotting out some experts from the Institute of Criminology? How about trotting out experts from the United States, where over a million people are in the prisons? Zero tolerance is why.

You talk about Aboriginals. "These people commit more crimes." Why do you think that is? It is because people like you keep them crushed, and they have got no alternative. Do you provide them an opportunity to get on in the world? Short answer: no. Because people like you, when in power in the Northern Territory, put a kid in jail for three weeks for knocking off a set of pencils on his second offence. Mandatory sentencing: a teenager put in jail. Well, good on you.

How about you find out why it is and you try to fix that? You don't, because you can't. You are too blinded. You have to work it out. Let's take it out on the poor devil. Let's screw him to the wall. Do you know what his biggest crime in the Northern Territory was—and it was your mob that was in government there? The guy was black. That was what his biggest problem was.

MR SPEAKER: Order! Mr Hargreaves, please direct your comments through the chair. Members of the opposition will cease interjections.

MR HARGREAVES: I apologise to you, Mr Speaker. The problem over there is that they could not get away from the guy's colour. The treatment meted out to white kids in the Northern Territory and Darwin was completely different to that meted out to Aboriginal kids. There was no excuse for that at all. Good on Labor for just knocking it on the head the minute they came to power. These people make me ill. There is no sense in this.

Mr Pratt: Here you are, Mr Hargreaves.

MR HARGREAVES: Yes, okay. Mr Pratt is holding up a bucket. All I can suggest is that it is probably full of bile that he put in. He has such an abundance of bile that he does not know what to do with it, except share it amongst his colleagues.

These people were custodians of our so-called corrective justice system for six years, and they made an appalling mess of it. The Attorney-General in this Labor government is now coming up with a balanced approach. The people in corrective services are working on restorative justice principles, going through the continuum of justice from the time the people are picked up in the police car to the time they are restored to the community—and until the community is restored.

These guys would not have a clue what that is all about. All they are interested in is revenge: let's jack the fines up; let's jack the time in jail up. And what happens? What are you going to do? The guys are going to come out of Goulburn jail—you know this—and as they walk out the jailer says, "See you later, Charlie." Guess what? He does. He sees him later. Such is the efficacy of your programs and your philosophy.

Mr Smyth: What have you done, Mr Hargreaves?

MR HARGREAVES: Your philosophy stinks. I know a heck of a lot more about it than you do, Mr Smyth, because I have checked it out.

Mr Smyth: "I know more than you do." A fine argument.

MR HARGREAVES: I do. You are just pontificating from a basis of ignorance.

MR SPEAKER: Mr Hargreaves, direct your comments through the chair, please.

MR HARGREAVES: Mr Speaker, the Leader of the Opposition pontificates from a basis of ignorance, which is nothing unusual for him. The Attorney-General is coming up with a balanced sentencing regime. He acknowledges that it is the purview of the courts to decide these things. He is progressing restorative justice programs while the prison site is being determined.

What these people opposite did was say, "Let's get a block of land and stick a bloody great big white building on it." They were going to squeeze into it all of these programs that they didn't have a schmick about. They were going to do what was done when Belconnen Remand Centre was created. They were going to duplicate a Goulburn jail somewhere else in the ACT, hopefully, in their view, at Symonston. What happened when Belconnen Remand Centre was built? Because it was modelled on Katingal it was out of date the week before it was opened. These people would do exactly the same thing if left alone.

These people are availing themselves of the recourse of scoundrels. All they have to do is withdraw this legislation and let people who have a compassion for people in strife get on with it and have a mixture—with reasonable community expectation—of punishment and compassion for these people and a restorative justice program. I suggest that all of you go away and do some reading because you are sticking your ignorance on display tonight.

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) (8.55): Mr Speaker, let me give the Assembly a simple statistic that I saw

recently in my role as minister for police. After this government came to power the rate of incidents reported to police declined, and that was the case still until fairly recently—I have not seen the most recent figures.

I make no claim that this government is responsible for that. The people who are responsible for that are the police in the ACT, whom Mr Cornwell slandered. Mr Cornwell said that people do not report crime because "nothing will happen".

Mr Pratt: I have a point of order, Mr Speaker, in relation to standing order 55: imputation or personal reflection. I didn't hear Mr Cornwell slander police.

Mr Cornwell: I didn't mention the police.

MR SPEAKER: That is not a point of order; it is a point of debate.

MR WOOD: I do not know whom else you would report crime to, Mr Cornwell, other than the police. You might explain that.

The police in this town do a sterling job. The police work, now, as in the past, assiduously to contain and stop crime and to bring offenders to boot. Mr Cornwell's comments were an affront to them. "Don't report anything to the police," he says. "They won't do anything."

Mr Smyth: He didn't say that!

MR WOOD: Go back and read your *Hansard* tomorrow.

Mr Cornwell: On a point of order, Mr Speaker: I did not mention the police at all in my comments, and I would like that on the record.

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

MR WOOD: Mr Cornwell, it is on the record already.

MR SPEAKER: Order! That means you, Mr Wood. Mr Cornwell, there was no point of order. Members of the opposition will settle down. Mr Wood has the floor. Direct your comments through the chair.

MR WOOD: I assert the view strongly that the police work extremely hard to attend to crime and to contain it. The circumstances were that, with the methods they employ, when this government came to office the rate of incidence went down. Mind you, there is a bit more heroin around, so there might—

Mr Smyth: It had been trending down for six to nine months.

MR WOOD: Those are not the figures I saw; the figures I saw had it trending up. The point I make is: don't make an attack on the police. They are out there working assiduously.

Then there is the attack on the courts. Mr Cornwell said—I wrote it down, and I guess it will be in *Hansard* tomorrow—"Justice is not being done to the law-abiding citizen." What an offence that is to people in the courts and to the police.

This system continues—I have to say, for all my efforts as police minister—more or less unchanged in the two years of this government, and I am not sure that there is any change in the courts. All in this community continue to work hard to contain elements that would be lawless and would commit crime.

I suppose it was inevitable that we should have this disturbing debate from Mr Pratt and from Mr Cornwell following the Liberal Party's campaign decision: let's beat up on crime; let's beat up the issue. In the last two or three weeks only, since they must have made that decision, we have heard "soft on crime" mentioned a few dozen times. Yet the facts simply do not support that. But that is irrelevant, of course. For lack of anything else and for a failure to find anything to grab this community as decent coming from the opposition, they resort to this old tactic, which I think is one that will fail.

Mr Cornwell mentioned the "straw man" at one stage, but then he raised a couple of straw issues. I do not know what the death penalty has got to do with anything. He might support it; he has said it many times in this place. I know that. What it had to do with the debate tonight I do not know.

Mr Stanhope: I think he's moving an amendment.

MR WOOD: That could be, Mr Stanhope. So I suppose over the next period the Assembly and the community will hear the opposition bleating "soft on crime". I reckon that in this community it just won't wash, because people know much better than that. It would be good if we saw the opposition supporting the efforts of the police—indeed, even supporting the efforts of the courts. I guess that is a bit much to ask for. I hope we do not have too many more of these disturbing, insensitive and rather foolish debates on the part of the opposition.

Mr Cornwell: Tell us about Florey!

MR WOOD: Yes, I will tell. Come and talk to me in private and I will tell you about Florey.

MS DUNDAS: Mr Speaker, I seek leave to speak again.

Leave granted.

MS DUNDAS: Thank you very much, members of the Assembly. I wanted to respond to something Mr Cornwell said in debate this evening. He seemed to indicate that the crossbenches are in favour of restorative justice principles because we are removed from being victims of crime. That statement is incorrect. I do not want to talk about personal issues here, but I think it is wrong to say that the crossbench does not know what it is to be a victim of crime. Policy decisions can be made with consideration of the bigger picture, not just in a knee-jerk, revenge state of mind.

MR SMYTH (Leader of the Opposition) (9.02): Mr Speaker, it is always a pleasure to follow Mr Hargreaves in any debate because he is so discredited by the policies that he put forward at the last election. The evidence is of his sitting position and the lack of any action on the policies that he put forward.

Mr Wood said that we have a sudden interest in law and order issues and that it has only happened in the last three weeks. I refer him to the notice paper. Mr Stefaniak's sentencing bill has been there since April, and order of the day No 20, the Corrections Reform Amendment Bill, has been there since 25 June. This is because we have a broad policy on the whole issue.

First, you need prevention. It is better that we stop people becoming criminals than that we let them become criminals. Second, we back up the police. Our six years in government showed that we have put more money, time and effort into police than the Labor Party ever has. Is it not the Labor Party that once attempted to cut a police budget, which was valiantly resisted by this Assembly? Let's get the facts straight here.

Third up, there should be appropriate sentencing. If you can't prevent it, and they are caught, then there should be appropriate sentencing. Fourth, after appropriate sentencing there should be a serious attempt at rehabilitation. Where is the government's rehabilitation bill? I flicked through the notice paper looking for it. I looked for the hard work, the evidence that Mr Stanhope is paying attention to his portfolio, and what do I find? Nothing. Where is it? "It's coming. We're gunna do that." Gunna Stanhope here we come.

The fifth arm of this would be to have an appropriate place to house those that are sentenced—and not in New South Wales. We are responsible for them; we are the community that might lock them up; we are the community that should care for them. And where is the action? When I put my Corrections Reform Amendment Bill to the Assembly in June, Mr Stanhope was out there trying to gazump me, doing his best to get the attention back because we had done the job.

We have launched more policy from these benches than that lot did in six years. We have done more in a year than they did in six years. We have put more hard legislation down than any of the work that was done by the former opposition. So there was Mr Stanhope, anxious to grab the camera, thinking, "What can I say? I know what I'll say: we're going to build a prison." His staff did not know. When the press checked with his staff, they said, "What?"

Then he cannot tell us where and when. That was going to be three weeks later, after he had been to cabinet. What he said was that he was going to announce some options that he might take to cabinet that might see a prison. Here we are six months later, and what have we got from the minister for corrections? Zip, nil, nix, nada, nothing.

Mr Stanhope: We have got money in the budget.

MR SMYTH: Well, have you got money in the budget?

Mr Stanhope: We have got money in the budget.

MR SMYTH: In a forward year you have put aside $40 million. But is that guaranteed? No it is not. Have you appropriated $40 million in your budget?

Mr Stanhope: You appropriated nothing.

MR SMYTH: It is always this twisting from Jon Stanhope. Do you notice it, Mr Speaker? Twist, twist, twist. If we were giving out games for Christmas, Jon Stanhope would get Twister every year. Twister, twister, twister. Off he goes. There he is twisting what he is going to do, twisting it this way, twisting it that way.

But let's go back to the policy. This is the beauty of Labor Party policy. You have to love Labor Party policy.

Mr Corbell: On a point of order, Mr Speaker: if Mr Stanhope gets Twister, Mr Smyth gets Snakes and Ladders.

MR SPEAKER: I do not think that one is a point of order.

MR SMYTH: Maybe we will find out next sitting week what you will get for Christmas, Mr Corbell. Perhaps you will get a game of Scruples.

The Labor Party make some interesting policies, which make fabulous reading, but you have to have downloaded it from the web. What did they do the day after the election? They took all their policies off the web because they didn't want people to know what they had promised. But we kept a copy.

Let's go to police numbers. "Putting the focus back on the police. What are we going to do? We're going to build it up to the national average." Where are we? The national average currently is 282 officers per 100,000. After two years of a Stanhope Labor government it is 241 officers per 100,000. Shame, shame!

Let's go to police powers. Labor is committed to delivering the right balance between the police powers required to tackle crime and the rights of the ordinary citizen. Mr Wood would love to wind back those bail provisions, but if he checks his crime stats he will find that Operation Anchorage reduced household crime and vehicle theft by substantial numbers. It was the first program to do so, and it was backed up because we found that these people were being caught not once or twice but in some cases three, four, five or six times. The bail amendments that we made stopped that.

Going back to early intervention, we read, "We need to focus on the health and education of young people, on support for young people and their families and on guiding and supporting young people through their teenage years." This is in their justice and community safety policy, and we have had a report on mental health and the health of young Canberrans.

But what has happened? Until the budget last year, which Mr Stanhope is so proud of, there were 14 crime prevention programs. How many are there now? Four. "That's it! We're going to have programs out there to stop them. We're going to have less, and we're going to be proud of this."

Let's keep going; let's go to the prison. How is the prison going to work, Mr Speaker? This is the bottler. This is the Jon Stanhope special. This is how you fool people and expect they will believe you next time. Here it is: Labor's action plan for ACT Corrections. It goes like this:

> Labor believes that work must be concluded on prison programs before we decide on the prison design and we must decide on design before we decide on site.

What have we done? Nothing. We have gone off on this futile search for a site, hither and thither and yon, through valleys and over hill and dale. But can we find one? No. Can we make a decision? No. Where are we going to build it? On land we do not even own. That is it. That is our corrections policy. We will build a prison on land we do not even own. What a fabulous prison this will be.

So here it goes. "Labor believes that work must be concluded on prison programs before we decide on the prison design". Where are the programs? Two years into the term of the Labor government and there are no programs whatsoever.

MR SPEAKER: Order, members! There are too many conversations going on. Mr Smyth has the floor.

MR SMYTH: There has been no attempt by the minister for corrections to do any work on his portfolio at all. As to the next point—we must decide on the prison design before we decide on the site—where is the design? You are about to announce a site; you must have a design. Jon Stanhope keeps his word. It is in the Labor book. It is in the ACT Labor policy on corrections.

Table the design, minister for corrections. Perhaps we will have a motion next week asking the minister to table the design because nobody has seen the design. The design is not out there for public comment. You have got no programs, you have got no design and you have got no site. You are going to build a prison on a block of land you do not own, so desperate were you for relevance in the corrections debate.

Appropriate sentencing is one part of the equation. We are the only party to present all parts of the equation in this place. We have agreed that prevention is better than cure, and in the second last budget we delivered we had early intervention programs to break the cycle of crime. What have we got from these people? Nothing.

MR SPEAKER: Order, members! There are too many conversations going on.

MR SMYTH: In terms of policing, we put more money into policing, we purchased more equipment for police officers, we freed police officers from the onerous duty of being on desks to get them out on the street. The only action the minister for police has taken is to pension off the nags. Get rid of the horses; we do not want them. What is the justification for getting rid of the mounted police? They have done nothing for the last 18 months. Why have they done nothing for the last 18 months? They have been on agistment in Hall. Of course they are not going to break the cycle of crime when they are at Hall.

I will relate one incident in which the mounted police were involved that shows their effectiveness. At one Brumbies Friday night match out at Bruce there was a spate of breaks into motor vehicles, and a large amount of private property was stolen. Part of the problem was that you cannot supervise all of the car parks—

Members interjecting—

MR SPEAKER: Order! Resume your seat, Mr Smyth. We cannot proceed along these lines. It must be almost impossible for Hansard to decipher what is happening in the place. Mr Smyth, you have the floor.

MR SMYTH: I am happy to start again, Mr Speaker.

MR SPEAKER: I assumed you were finished.

MR SMYTH: No, I have not finished at all. The mounted police were put out to Bruce for the next night game that we had. Because of their superior vision and the sheer intimidation of the police, they nabbed the clowns that were doing the break-ins at the Brumbies games. There were no more problems at the Brumbies games because the mounted police were out there doing the job. You cannot have mounted policemen with their horses in Hall and the officers in the station. You have got to use them. You have got to have some use for them. You have got to try them before you write them off. You just did not like the idea because the former government did it. It is part of the whole program.

Let's not hear from those opposite that they support the police. We have a good record of listening to the police officers and making improvements to the Bail Act—which was their number one cause of complaint. They were sick of a revolving door that saw them arresting people for the same offence, often week after week, before they managed to bring them before the judiciary. We have said, "Fair's fair. People are entitled to bail. That's a good thing. But if you repeatedly break your bail, you really shouldn't be out there." It has had an effect. That is our legislation, and it is the legislation that New South Wales followed. Bob Carr thought it was so good he copied it.

You have got to have all the arms. We were the only ones to put forward the arms in terms of the sentencing. Let's have some consistency. I find it amazing that a boss, who may or may not be associated with the death of an individual, will receive 25 years for industrial manslaughter, but a criminal committing manslaughter while carrying out a crime will get a maximum of 20 years. Bosses are bad. Don't be a boss in the ACT because the Labor Party thinks you are worse than a criminal. It is inconceivable that you would allow that one.

MR SPEAKER: I would not stray into a debate about the manslaughter legislation. That is due for debate later.

MR SMYTH: I am keeping all that for tomorrow, Mr Speaker. I am happy to go through all this again tomorrow. Then we get down to the rehabilitation—

MR SPEAKER: No, you won't, because that will be reflecting on this vote.

MR SMYTH: Mr Speaker, I take your wise counsel, and I will be careful in the morning. Then we get to talk of rehabilitation, and that is all that is going on with the government. Rehabilitation equals talk. It is a new word. When you talk about rehabilitation, they are just words.

We have got a bill before this place. We have been out consulting, and there is a roundtable next week. I hope to bring it on the week after next. It is a toolkit that says everything from "You can let them off" to "You can jail them". But you have to set in place programs to assist them to break the cycle of crime. We have got the full kit here, and we are very proud of it.

On the prison we have announcement after announcement. Prisons are a vital part of sentencing. I understand that we have custodial sentencing at about half the national rate, and the judges often say it is because they have got nowhere appropriate to send those that they would normally send to jail. We got to a position—after much consultation, a standing committee report, talk with the community and a site selection process. It took a long time, but we came up with a site. The site was clearly unacceptable, given the outcome of the last election. These people have had two years and have done nothing.

You have to have the full gamut to make rehabilitation work. We should, as a society, be working on prevention. We should be taking into account education, health, housing and all those indicators that we know so well. People must often listen to us in this place and think, "You talk the talk, but none of you are walking the walk."

We believe in prevention; we put it in our budget. We had early intervention programs. We believe in supporting policing; we did that through money for equipment and vehicles and by providing the legislation to allow policemen and women to do their job and do it properly. We believe in appropriate and consistent sentencing, not sentencing that is all over the shop, depending on where you come from.

We believe in rehabilitation, and our rehabilitation commitment is on the notice paper. I challenge the Chief Minister to show me where his is. It is not there, because they have not done the work. We believe that we should have a prison and that we as a society should take care of our own. Hopefully, we would keep the prison fairly empty, but it should be there as a reminder to some that that is where they may end up. It may force some to regret their stay there and force them not to want to go back.

If we get the balance right, we can make sure that it improves the lifestyle of all Canberrans. We can improve the lifestyle of those caught up in criminal activity. We can make a difference, if we get the balance right. But we have to have the full suite of tools, there on the table, so that they work. That is what Mr Stefaniak seeks to do today.

MRS CROSS (9.16): I am not going to reiterate the comments of other members of this place on this bill, but I do want to comment, Mr Speaker, on the extraordinary remarks made by Mr Cornwell. I seem to remember about a year ago in this place, as a new crossbench member, and in fact relatively new to this Assembly, that I had a concern over a judgment that you had made about an issue. I questioned that judgment. I felt that it was my right to do that.

I remember Mr Cornwell getting to his feet and going on—spraying on: how dare I question the Speaker and how dare I do what I did at that time. You will recall the matter, Mr Speaker. Anyway, the issue is that in any democratic parliamentary process, every member has the opportunity and the right to question things. It does not mean that question is right or wrong. The fact is that we are allowed that in our parliamentary process. I remember that he was so personally affronted by it, given that he had been the former Speaker, that I got a spray across the chamber and a lecture about how naive I was and that all parliamentarians around the world knew that this was something you just did not do to a Speaker.

Mr Cornwell has made generalised statements such as, "The crossbench are in favour of restorative justice because they are removed from being victims of crime." Perhaps Mr Cornwell can share with the members of this place and, indeed, all the people in this building whether he has conducted a survey of the crossbench to determine whether (a) they have been victims of crime, and (b) how that correlates with anyone, let alone the crossbench, being in favour or not of restorative justice? Frankly, I do not see the logic there from someone that has been a member of this place and in fact a long-serving member to this community—longer than anybody else here. I just do not see where that comes from.

I also resent the fact that we crossbench members are put into one party grouping by Mr Cornwell, when we are three individuals that happen to sit on the crossbench and represent a variety of philosophies from time to time. This is something that, for some reason, Mr Cornwell chooses to ignore. And I am very concerned that someone of his experience and—

Mr Stanhope: Sensitivity?

Mr Hargreaves: Myopia?

MRS CROSS: No, I am trying to be politically correct. I am concerned that someone of his generation would make such silly comments when he is fully aware that the crossbench is made up of a diverse group of people. Indeed, it is inappropriate for any member of this place to make this comment about victims of crime and how only victims of crime can favour restorative justice. Let me tell you now, Mr Cornwell, through you, Mr Speaker, that victims of crime do not have a monopoly on believing in restorative justice. That is a fact, and if you choose to believe otherwise then maybe you are in the wrong place.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (9.20): Very briefly, I just wanted to observe that it is a great pity that this debate is not being recorded on film or visual disk for public consumption. I think we have seen tonight that we have probably the most right-wing, reactionary party in an Australian parliament since Joh Bjelke-Petersen. In the next few months we will see Mr Brendan Smyth trying to paint himself as a progressive out there in elector land, but I think the true picture is the picture we saw of this group this evening.

MR STEFANIAK (9.21), in reply: Might I firstly thank members for their contributions to this debate. It certainly has been most interesting. I will start with a few general points.

People have talked about rehabilitation, restorative justice and other things. Yes, Mr Corbell, I think there is certainly a place for restorative justice. However, as Mr Smyth has said, ours is a complete package. He has a package, which hopefully we will be debating later this year.

What happens after people are incarcerated if we get our own prison system? I think that that is absolutely essential so that we can have control over what happens to prisoners and we can actually engage in one of the four principles of sentencing, and that is rehabilitation. Hopefully, we might actually be able to train up people to come out better than when they go in.

One of the big problems I think with a lot of members in this place—it seems the majority—is that they only hone in on one of the four principles of sentencing, and that is rehabilitation. There are four principles of sentencing: punishment, retribution, deterrence and rehabilitation. They are all equally important. To hone in on any one to the detriment of the other three is wrong and you are in fact bastardising the principles that go back many years and which fundamentally have served us well.

Ms MacDonald is not here at present, but I wrote down an interesting interjection she made earlier on. I think it was in relation to another bill and I think it was something to do with industrial relations. She said if “they”, meaning the employers, have not done anything wrong, they have nothing to be afraid of.

Mr Hargreaves: That is right.

MR STEFANIAK: Mr Hargreaves says yes, and that is certainly something that this side will push in terms of industrial manslaughter and bills like that. The same can be said for this package. If people do not do anything wrong they have nothing to be afraid of. But I think it is crucially important that we have a system under which, if people commit serious crimes, there will be consistency, there will be laws in place to reflect that and to reflect what the community actually wants. I will now go through some of the points raised by other members.

Ms Dundas talked about tougher sentencing appeasing the community’s fears. Tougher sentences I think are in response to what the community actually wants, Ms Dundas. I say this to all members: this bill has been here since April. A number of people helped me draft it, including members from the Victims of Crime Assistance League, lawyers, members of the Australian Federal Police Force and several other persons who I could not put a tag on.

Might I also say that in terms of our approach to sentencing, there are a number of lawyers who have said, “Well done, keep it going”. Indeed, there are certain judicial officers too who have said, “You’re on the right track”. So do not for one minute assume that there is not a lot of support for this even within the legal profession.

Also might I say that none of you here has had the experience I have had in terms of the court process. I actually bring a lot of my experience in court to this particular bill as well. I do not criticise you for this, but a lot of you who have been speaking certainly do not really know what actually happens and what has happened probably over a 20-year

period here. That is through no fault of your own, but when you talk about this side not knowing what it is doing, I make that point to counter what you say.

Ms Dundas also talked about concrete proof. She asked, "Where's all the evidence?" Ms Dundas, I will give you some statistics which JACS actually compiled. I think I probably put them in my introductory speech in 2000. They compare New South Wales and ACT sentences for serious offences by superior courts—their district court, their Supreme Court—with our Supreme Court.

You would be interested—Mrs Cross is still wearing her ribbon—that yesterday most of us wore, for very good reasons, a white ribbon in relation to violence against children and women. I think by knocking out this particular bill you are not doing justice to women and to children, many of whom will be victims needlessly because there is no good legislation like this. Interestingly enough in those statistics, Ms Dundas, I think only about 30 per cent of persons convicted of sexual-type assaults went to prison in the ACT through our Supreme Court compared with 71 per cent in New South Wales.

I will give you those statistics in relation to other matters too. I think I have mentioned this publicly before, but indicative of the problems in our system is the case of three people who came to Canberra to sell drugs; I think it was ecstasy. It was a major police operation. They netted them; well done, police. Only one was jailed and that was for 12 months; the other two got bonds. You would not get that in New South Wales. I think the statistics clearly show that our justice system is softer, is weaker, in sentencing serious criminals for serious offences than its counterpart system interstate. Hence, the need for legislation like this which brings us into line with New South Wales.

This legislation which I have introduced, and which you are now going to knock out, is based on what Bob Carr has done in recent years, including a standard minimum non-parole period which Mr Stanhope completely and wrongfully confuses with mandatory sentencing. Jon, you are a lawyer; we went through law school together. Read the section. Do not make your broad, stupid, generalised statements which are incorrect. Read it! Stop talking nonsense; stop talking fallacies!

Mr Stanhope has introduced a package today. Congratulations, Jon. You have managed to totally confuse WIN television with that. They had us both supporting increased sentencing tonight. So there is some obfuscation there. When you look at the media release—and we are yet to see the bill; I think there's a bit of "me-too-ism" there or trying to get in at the tail end—there is nothing that addresses one of the root causes, and that is the community disquiet about our courts not reflecting community values and not imposing proper sentences for serious offences.

I quote from a *Canberra Times* survey which was published on Sunday, 28 September 2003 in which 83 per cent of respondents—I repeat, 83 per cent—in answer to a question: "Are courts too lenient on those convicted of violent crime?" said yes. Twelve per cent said "maybe", five per cent said "they're getting it right".

That is unfortunately an indictment of our judicial system. That does mean, along with another survey I cited, that judges are about as popular as used cars salesmen and politicians, that there are serious problems in terms of the public perception and they do expect our system—our courts, our judges, and us as legislators— to lift its game.

We are all part of a system. We all need to do better to do our duty to the people we are sworn to serve and sworn to protect in this community. We have a duty to the public as legislators, we have a duty to protect the public. Those of you who vote against this bill are failing in your duty, unlike, might I say, your comrades in New South Wales and the New South Wales Labor Party who have introduced sensible legislation, which I am really replicating here.

It is interesting that Mr Stanhope has been having a great go at my standard minimum non-parole periods, which Bob Carr introduced last year; good on him! In response to the question, "Should life imprisonment mean a minimum of 20 years in jail?", 74 per cent of ACT citizens said yes. Guess what, Mr Stanhope? In Bob Carr's legislation and in my bill that you are about to reject, the standard non-parole period for murder is 20 years; 20 years! That is absolutely spot on in terms of what Canberra citizens actually expect.

Incidentally, I had absolutely nothing to do with that. They didn't even ring me about that one, although I see you are quoted. It is not so much a coincidence; it is absolutely in line with what the public wants in this bill? Of course, this government and Mr Stanhope pooh-pooh what happens in New South Wales. But this government will follow New South Wales when it suits them. I think Ms Gallagher today said that we are following New South Wales in some industrial relations matter. Mr Quinlan is the first to say, "Yes, we'll do that; we'll increase taxes and rates to get a bit of extra money. Yes, they're doing it in New South Wales. We must have this cross-border consistency". Why not in the criminal law?

I have seen in my 15 years or so years practising in the ACT instances of criminals who are sentenced to jail for an armed robbery in Queanbeyan getting a bond in the ACT. Queanbeyan is very much part of this region Yes, Jon Stanhope, we are very different from Sydney and we are very different from Melbourne and I hope we always remain so, but Queanbeyan is in our region.

Not only have I seen that in terms of what has been reported in the media. I have seen that in practice. I have gone to the Queanbeyan court as a prosecutor. I have seen people there for all manner of offences get two, three or four times the penalty, be it fines or imprisonment, than they do in the ACT for identical offences. That is not right.

I have talked to criminals who have come to Canberra because we are a softer touch and they know if they are caught and they go before our court system the great likelihood is that they are going to get a much weaker penalty. That is something, too, which really points to the fact we do need greater consistency with New South Wales. I believe we should have greater consistency right throughout Australia, and I hope a lot of these issues will ultimately be addressed through criminal codes and maybe common sentencing policies throughout the Commonwealth of Australia, but that is going to take a long time.

In the meantime, the least we can do is replicate sensible, commonsense measures that the state of New South Wales, the Labor state of New South Wales, led by a Labor premier, has introduced. That state has introduced a large number of these things which I have in my bill, and the provisions are in force in New South Wales. The least we can

do is have consistency between our two jurisdictions, given that the ACT is an island within the state of New South Wales.

One of the mantras of people who opposed proper sentencing—I am not going to call it tougher; it's just sensible, proper sentencing—is that deterrence is nothing. You are never going to stop crime; people are going to commit it. Yes, people will always commit crime. Even if you have the death penalty people are still going to commit crime. It certainly stops them dead in their tracks I suppose if they are caught, but you are never ever going to completely stop it. But deterrence does work.

I will give two simple examples. Talking about violence against women and violence against children, I am appalled to hear the Chief Minister say that we have 20 years maximum for rape. In New South Wales Bob Carr has imposed life sentencing for the type of rape—pack rape—I have put in my legislation. That enabled Justice Finnane to bring down his landmark decisions, which I think were so appreciated by the general law-abiding public, in relation to those horrendous crimes against those innocent young women by that organised gang of absolute monsters. They committed those horrible offences against defenceless women. Police from New South Wales have told me that in the 12 months after Finnane's very good judgment, rapes in Sydney dropped by 75 per cent.

I am reminded of another case which had a happy ending. It relates to a young bloke who was before the ACT courts when I was first prosecuting. He later moved to New South Wales. He was a compulsive car thief. He was about 18 or 19. He had committed two or three lots of offences in the ACT. I am not too sure how many cars were involved. It was probably 10 to 15 each time. He got bond after bond.

He went to Gosford, he picked up a few cars and he was given a 12-month jail sentence, to serve six. He fainted. This young bloke did not believe that he would ever be jailed because he had gone through our system. He did his time in New South Wales. One of the police involved actually had a bit of a soft spot for him. He checked up on him to see how he was going. He got out; he got a job. Jail had a very salutary effect on him. He did not want to go back.

I have known quite a few criminals who have gone to jail and who certainly do not want to go back. What happens in jail is a process of rehabilitation. Do not confuse the two. That is why we need our own prison.

Mr Hargreaves: Sixty per cent have been there before.

MR STEFANIAK: Basically, you lot are almost saying, "Well, you really shouldn't jail anyone because you're either going to just encourage people if it's a serious crime, like Mr Stanhope says, to commit even worse crimes, or we should be looking rehabilitating, look at the root causes". This is again a cop-out I think. You lot are not very good at root causes anyway, as Mr Smyth pointed out. This is what Ms Tucker is saying—look at the root causes.

I am sorry, there is a time and a need for proper sentencing for people who commit serious crimes. The ACT community expects it. A large number of people in the legal profession also would like to see it, contrary to what some people would put about. It is

not a question of popular politics. Quite frankly, I resent that. I am a lawyer as much as I am a politician. I have been involved in this system.

I have seen victims go to court expecting to see justice done, and to be utterly appalled by what happens. They feel that once they get there it is all in favour of the criminal, that the system is just honed in on the criminal and forgets the victim. Even with improvements in terms of victims' rights, there is still a lot more work that needs to be done there. *(Extension of time granted.)* Because the system is so defendant eccentric, the victims feel completely let down by it. They go into court and they except something different.

Mr Pratt is quite right about what he describes in relation to how police feel, and how depressing it is for police who, for perhaps perverse, silly reasons, fully expect a jury to say not guilty. That is the system: innocent until proven guilty; you win some, you lose some. But what is utterly depressing for both police and victims is a long, tortuous case with all the necessary cross-examination—and it is necessary in our legal system; it has to be fair—and, when at the end of the day the criminal is convicted, nothing happens. The criminal is released a bond or whatever. Justice is actually not seen to be done.

That does not really help the criminals either, because often it just encourages them to think, "Nothing is going to happen to me; I'll just keep doing it." So you are actually helping criminals by being soft on crime and not wanting to go down the path of proper sentencing.

I really think you do not know much of what you are doing. In terms of criminologists, we can all quote academic experts. I wonder how many have actually practised in the system and how many actually bring any real practical knowledge to it. I also read what the experts say. I have met quite a few. You can take a lot of it with a grain of salt. You have to back to commonsense. You have to go back to a system that, at the end of the day, has four principles of sentencing.

Mr Speaker, I will not use up my full time. I have taken copious notes relating to some the inane comments made by members who have spoken against this bill. I am not going to bother with that. I merely go back to reiterating the actual principles of sentencing, which people seem to have forgotten. They are deterrence, punishment, retribution and rehabilitation. All are equally important.

I wish to make a couple more points. The penalties in relation to car jacking have been lifted from the New South Wales legislation. In relation to the Chief Minister's hysteria about traps, you will find that the section I actually insert is a 1974 New South Wales one. I think you are off on a real tangent there, as usual, in relation to this matter.

Police have told me there is just no way in the world they can actually ping someone for a car jacking, as opposed to New South Wales where the legislation covers that offence. The reason we have those other three offences in there in relation to police is exemplified by what a very good ex-magistrate in this territory, Kevin Townley Dobson, who sadly passed away a few months ago, used to say. He said that police are not blue punching bags, when people were before him in relation to assaulting police.

Unfortunately, the laws at present in relation to people who assault police are far from satisfactory. Hence I have lifted those three laws again from New South Wales. In terms of at least punishing and sentencing people for crime, they are far ahead of what currently exists in this Territory. Sadly, it will probably remain so as a result of this very ignorant, short-sighted and, might I say, wrong decision most of you are taking tonight.

Think about the community! Do not think about your own blind, silly, left-wing ideology—whatever it is—that is driving you here. It is misguided. I think a lot of you could probably benefit from tagging about with the DPP for three or four weeks and then sit through the court for about four or five weeks and just see what happens. You might change your minds.

At the end of the day I think this is a tragedy for the ACT. Mr Stanhope, you are not even window dressing here. There are a couple of reasonable things here but you are not addressing the root cause, which is this: if the courts are not reflecting community values, if they are going off on their own tangents on many occasion—not always—but on many occasions—

Mr Stanhope: A point of order, Mr Speaker! These really are very serious reflections on the Supreme Court and on the Magistrates Court. I do believe that these are repetitive and continuing reflections on our courts and I do not think we can allow that continuous reflection. These are repetitive reflections on the quality of our courts and on our judges and our magistrates.

MR SPEAKER: Mr Stanhope, that really is the point of the debate. The standing orders do not give me the power to strike anything like that out, as long as members are not reflecting on individual members of the judiciary.

MR STEFANIAK: Thank you, Mr Speaker, I am reflecting on the system and I am saying that this legislation actually will assist our courts. The most I will say about individuals is that everyone has their own personality, just as we are all individuals too. But there are some systemic problems. There are problems in terms of how our justice system and the courts—I suppose for serious crime we are talking Supreme Court—look at these things.

We can give guidance here just like Bob Carr and the Labor Party in New South Wales have done and other jurisdictions as well. If we do not do that I do not think we are serving the interests of the community we are sworn to protect properly.

I commend this package to the Assembly. We will bring this back, or something very similar next year, if you knock it out. I look forward to seeing what Mr Stanhope actually comes up with. I again commend this package to the Assembly, although it does not look like it is going to get up.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 6	Noes 11	
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 Smyth	Ms Gallagher	Mr Wood
Mr Stefaniak	Mr Hargreaves	

Question so resolved in the negative.

Plastic bags

MRS DUNNE (9.45): I move:

That this Assembly:

(1) acknowledges that plastic bag use needs to be reduced and plastic bag recycling needs to be enhanced in the ACT;

(2) calls on the Government to ensure that there are plastic bag recycling drop off points at all major town centres across Canberra;

(3) calls on the Government to embark on an education and awareness campaign promoting the benefits of reducing, reusing and recycling plastic bags;

(4) calls on the Government to work with business and encourage more consumer choice for carrying goods bought, ie allowing choice of plastic bag, calico bag, boxes or degradable bags;

(5) calls on the Government to work with business and trial (a) a plastic bag levy in Canberra and (b) the use of biodegradable or degradable plastic bags using a similar approach to the ReBaG trial in 1999.

Mr Speaker, I rise to speak about an issue which has been touched on many times before but in respect of which no substantial inroads have been made. Australia consumes about 6.9 billion plastic bags each year. This equates to a ridiculous one bag per person per day.

The Assembly and the wider community have been witness to numerous plastic bag campaigns. Most focus on the impacts of plastic bags and how to reduce or prevent those impacts. These campaigns have been effective in raising the community's awareness that plastic bags can be harmful to the environment and have encouraged a small number of consumers to change their behaviour by using alternatives, reusing or recycling. This motion today is designed to increase that small number so that the ACT government and the members of this house can play their part in reducing the plastic bag use in this territory.

Approximately 53 per cent of plastic bags are distributed from supermarket outlets while the other 47 per cent come from other retail outlets such as fast food shops, liquor stores

and general merchandising. Litter studies indicate that plastic bags are generally in the top 20 litter items and comprise 2 per cent of the rubbish collected at sites during events like Clean Up Australia Day and Keep Australia Beautiful campaigns.

Mr Speaker, 2 per cent may not sound like a significant figure but the unsightliness of plastic bags, along with the effect that they have on the environment, in particular waterways, and the fact that they take somewhere between 20 to 1,000 years to break down in the environment, have forced us to look at new ways to recycle and reduce the number of plastic bags used in this country and, indeed, Canberra each year.

Mr Speaker, there are many steps that we can take to reduce the use of plastic bags in the territory, and this opposition is calling on the government to take some of those steps today. Reducing plastic bag use is not an easy task, nor can it be solved with only one solution. In recent times we have heard many ideas bandied around to reduce plastic bag use: a plastic bag levy, degradable plastic bags, more education and more awareness. Which solution is the right one? The short answer is that all of these proposals put together will provide us with the solution. One strategy may not necessarily suit all circumstances. We need to implement a range of options that cover a range of consumer needs and trends.

The National Plastic Bags Working Group set up by the federal government to inquire further into reducing plastic bag consumption found that there were four main concerns when it came to plastic bag use and disposal: consumer behaviour that results in littering and associated indiscriminate waste disposal; resource efficiency issues; the plastic recyclability issues relating to littering and resource use; and social issues.

The group identified a range of management options to address the behaviour of inadvertent and intentional littering. These were: in the long term, an investigation of current and future waste and landfill management practices; the development of specific, nationally consistent guidelines to assist landfill operators to minimise off-site litter; and, in the short term, active support be given to current consumer awareness and anti-litter campaigns.

Federal, state and territory ministers for environment have met on a number of occasions to discuss the next step. The most recent meeting saw ministers agree to developing a mandatory code to reduce the use of plastic bags. Media reports following this meeting reported that South Australia supported a plastic bag ban while Victoria favoured charging customers a levy at supermarkets for the use of plastic bags. We do not know what the ACT advocated because the Chief Minister did not reveal our government's preference. I hope he will do so today.

In the territory there has been no funding, no advertising and no talk from those opposite about how the ACT will meet its end of the bargain in the "aspirational goal" to reduce plastic bag litter by 75 per cent by next year. If the government was serious about this issue it would have ensured that funds were available in the 2003-04 budget for the process. They were not. The problem is that this government does not seem to have solutions and it is not willing to implement short-term strategies or any solutions put forward by anyone else, even though it itself is bereft of ideas.

I think we need to endorse ambitious targets, as this government and the minister have done, but we should not do it merely in an aspirational sense. We need to seek to implement and promote strategies that achieve these targets and make them real goals and not just aspirations.

In the past the ACT has led the way on alternative bag trials but the momentum has slowed somewhat in the past two years. In 1999 a calico bag trial was launched by my colleague the former Minister for Urban Services, Brendan Smyth, titled the "ReBaG" trial. In addition, the government has supported the reusable paper bag trial implemented by Coles supermarkets in 1998. In 1997 the ACT government supported the "Bag-a-Bargain" promotion at local shopping centres. This trial was designed to attract new customers to the centres and assist in waste reduction by promoting calico bags purchased from retailers at $2 each.

I should also mention that a private members bill presented by Ms Tucker in 1998—the Shopping Containers Bill—proposed that retail businesses in the ACT charge customers directly for any plastic shopping bags provided. This bill was defeated.

Supermarket chains like Coles and Woolworths have also done their bit to recycle plastic bags by providing bins for bags. These stores also have non-woven polypropylene green bags or calico bags which can be purchased. Coles also continues with paper bags, following its trial in Canberra. These cost 14c per bag and a rebate of 2c is given if you reuse the bag on subsequent visits.

There are approximately 18 plastic recycling points provided across the territory by Coles and Woolworths. Most of these plastic bags are taken away by the contractor Visy, which then sends them to the Amcor plastic recycling facility. Unfortunately, though, we are not recycling as much as we could. The current recycling rate for plastic bags is low, with the present tonnage at 1,000 tonnes per year out of a possible 33,000 tonnes of bags that could be recycled across Australia.

Many people may not realise what happens when a bag is recycled. It is basically rendered down and the resin left over is used to create new plastic bags or other plastic products. It is estimated that $100 million is added to the national grocery bill each year due to the cost of plastic bags and that only 33 per cent of the plastic bags used by us are produced in this country. So if we have a strategic approach to recycling we can also cut down not only our grocery costs but our cost of importing.

Mr Speaker, many other trials and initiatives to reduce plastic bags have taken place across the globe. I think we in the ACT should look at some of these and not be scared to trial them ourselves. For example, Coles Bay in the Tasmania town adjoining the Freycinet National Park has banned plastic checkout bags in all of its retail outlets. It was the first town in Australia to do so.

In June this year the Randwick Business Council announced it would become the first plastic bag-free city, ridding this eastern Sydney suburb of plastic bags by 31 December this year. Even more recently, little Mogo on the south coast also said no to plastic shopping bags and, as a result, next year one of the local stores will not be using the 15,000 plastic bags that it used last year. A number of areas have introduced alternatives.

Retailers are offering a strong reusable plastic bag for 25c, or a reusable calico bag for $2. The Liberals would like the government to work with business to see whether there is a willing ACT store that would trial a ban on plastic bags; and, if so, what the impact would be.

Other initiatives include those like the scheme in Byron Bay where a 10c fee for plastic bags was introduced at a supermarket, along with alternatives of biodegradable bags, free paper bags, or cotton and string bags. The scheme has resulted in an 83 per cent reduction in bag use from 1,200 to 200 a day. Ikea has introduced a 10c charge on their plastic bags; Aldi supermarket chain customers are charged 15c for their "boutique" reusable plastic bags as well as offering as alternatives a cooler bag, free reused boxes and a 69c cotton bag. It would be encouraging to see the ACT government adopt some of these approaches to assist local businesses promote the options consumers have in carrying their goods.

Across the globe, South Africa is currently looking at a plastic bag levy; Denmark and Italy have hidden taxes, which I think are less desirable; and a number of European Union countries have packaging material levies and packaging recovery targets that apply to industry. Ireland made the news headlines earlier this year when the Irish government decided to introduce a 25c plastic bag levy. The government said it did not want to make money or even want shoppers to pay the levy in the long term. What it wanted was to try to force consumers to avoid using plastic bags by bringing their own bags or boxes to shops.

The scheme has worked so far. In the first five months of the scheme, Ireland experienced a 90 per cent reduction in plastic bag use. We do not know whether that 90 per cent trend will continue. But I think it is incumbent upon us to participate in similar trials and try to sustain long-term habit changes. One of the risks with what has happened in Ireland is that gradually residents will become less concerned with paying a fee and revert to using plastic bags. This is why we need to have a multifaceted approach.

This government have said that they have signed the federal government accord or protocol, which really means that they have left everything to the Australian Retailers Association. The Australian Retailers Association has been left with the responsibility of negotiating through retail outlets a significant reduction in plastic bag use. I think the problem is that it is being left to one sector of the community, rather than the government coordinating an overall approach which will result in a better involved community solution to the problem.

I think no-one would deny that this is a problem for the whole community, and what this motion does today is call for a community solution. It calls for the government to trial a number of ventures, to increase education and awareness, to work with the community, and to work with the business community in particular. It calls on the government to look at trialling a plastic bag levy in the ACT to see whether over an extended period this can effect a consumer change. The motion also calls for a trial on the use of biodegradable and degradable plastic bags, using a similar approach to the ReBaG trial in 1999.

In addition, we should be looking at a whole range of solutions for encouraging people to use alternative bags. If the government works with the community, we might find that from time to time there is need for some subsidy. In the long term this is about getting an environmental outcome. This territory has a proud history of being proactive in waste reduction. It was the first polity in Australia, and probably in the world, to set targets for the reduction of waste.

Under this present government I think we have dropped the ball. It would be useful for this government to show that it is committed to reducing the waste stream by supporting this motion, rather than just sitting on its hands and saying, "We have signed up to the protocol." I ask the government to support this motion so that we can make serious progress on reducing the number of plastic bags in the waste stream. I commend the motion to the house.

MS DUNDAS (10.01): I note that the government has circulated an amendment to the motion moved by Mrs Dunne, and I hope that the Chief Minister will join us in the debate and move that amendment.

The ACT Democrats are supportive of any measures which significantly reduce plastic bag usage. Mrs Dunne has provided us with a lot of information about use of plastic bags in the community and the work that is already under way to reduce plastic bag use. I note that in Ireland the 15 Euro cent levy on plastic bags has been operating for over a year. Reports show that usage has fallen by 90 per cent and that the Irish government has raised almost 10 million Euros in revenue.

I understand that in September, Bunnings introduced a 10c levy on plastic bags and that that has cut plastic bag usage by approximately 43 per cent. Introducing a plastic bag levy is not the only means of cutting plastic bag usage but so far, at least from the examples that have been provided, it has been proven to be the most effective.

I think we also need to look at other work that is being done with the introduction by a lot of retailers of canvas bags and paper bags. We have to look at what we as a community can do to look at our own plastic bag use. The whole idea of using a canvas bag or reusing bags is not new. My family always used string bags or a little box cart on wheels when they went shopping. These ideas are now slowly being used throughout the broader community. I think we need to recognise that there are different ways of approaching this problem. A lot of work is being done by the Australian Retailers Association, by individual shop owners, and by governments across the country.

The minister's amendment—I will speak to it pre-emptively, if I may—is something that the ACT Democrats are supportive of. It talks about setting targets and achievable goals. I think we have passed the point of needing to trial a plastic bag levy or the use of biodegradable or degradable plastic bags, as called for in the motion moved by Mrs Dunne. We have the information and results to show that these trials have worked, and it is time to start implementing them.

While I disagree with the recent Environment Protection and Heritage Council decision not to implement a plastic bag levy, it is constitutionally difficult for the ACT to go it alone. Retailers do not have a deadline to work with in order to reduce plastic bag usage, and the Assembly cannot alter the decisions but needs to work within the 2005

timeframe. We need to work with the retailers to make sure they reach the 50 per cent reduction by 2005. If it does not look like retailers are going to meet that target, then that is when we need to step in and work with the retailers to make sure that they can do so. We need to work with the community so that they know the benefits of not continually using plastic bags. So I think there is work to be done, but it is work to be done in the context of the debate that has already happened.

I commend Mrs Dunne for bringing this motion to the attention of the Assembly so that we can have debate here on the floor of the Assembly. I must also congratulate people for the work that has already been done. I recognise that there is still a lot of work to be done within that framework to make sure that the agreement that has been reached is followed so that we can see a reduction in the use of plastic bags within this community.

MS TUCKER (10.05): I do not think there is any need to articulate now in detail the environmental harm that is caused by plastic bags, especially the ubiquitous lightweight disposable plastic bags that are such a feature of our shopping culture. Suffice it to say that the impact on the physical environment and on its wildlife is significant. One helpful example of the pervasiveness of plastic bags is research into bird life on Macquarie Island where animals were found to have suffocated or starved due to inhaling or ingesting small amounts of plastic bags.

Today the report of the Senate environment committee inquiry into the Plastic Bag Levy (Assessment and Collection) Bill 2002 and the Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 was released and its contents are quite interesting. The report has come forward with a number of very compelling arguments as to why a levy on the use of plastic bags is the best way to ensure that the use of plastic bags is minimised; and why, if a levy cannot be imposed, at the very least a system which ensures a charge applies to plastic bags is necessary. However, for some reason, which is not justified by the committee, the recommendation was not to support the introduction of a levy.

The key information, to which the Senate committee referred to again and again to make its secret opinion known, can be found in the submission made by Planet Ark, and I will read a few of their well-researched and considered comments:

> If a 25 cents levy was introduced, 67 per cent of Australians questioned said they would bring their own bag to the supermarket to avoid paying the levy. This shows its effect as a behavioural change agent. In Ireland, 9 out of every 10 people avoid paying the Irish levy by bringing their own bags or by using no bag when shopping.

The submission continued:

> For many years, Woolworths, Coles and Safeways have had plastic bag recycling facilities in nearly all of their stores. Despite this, 62 per cent of people questioned said they had never recycled a plastic bag in a retail outlet where these recycling bins are available. The actual recycling rate for plastic bags in Australia is currently about 3 per cent. This figure shows how plastic bag recycling has failed despite the best efforts of the supermarkets.

They also comment on the Irish legislation:

> When the Irish Government introduced a levy of 25 cents on each plastic bag sold (the "PlasTax"), their Environment Minister explained that he didn't want shoppers to pay the levy. He wanted people to avoid it by bringing their own bags to the shops. It worked overnight.
>
> A year after the levy had been introduced, Ireland was using 90 per cent less plastic check-out bags. To commemorate the occasion, the Minister for the Environment and Local Government, Mr Martin Cullen, recalled the reasons why the Irish Government had initiated the levy.
>
> "The environmental levy on plastic bags, which was introduced this time last year, has had a dramatic impact on our consumption of plastic bags and on the problem of visual litter," he said. "Quite apart from the immediate objective of cutting down our consumption of disposable plastic bags, it has been very effective in raising awareness of waste management issues and the part each one of us can play in reducing the amount of waste that we produce."

In their section on what would happen if the success of the Irish levy was replicated in Australia, they point out:

> Australia currently uses 6.9 billion plastic check-out bags every year. If we reduce that by 90 per cent like the Irish have done, then we would only be using 690 million plastic check-out bags every year. That's a reduction of over 6.2 billion plastic check-out bags every year.
>
> A 25 cent levy charged on these 690 million plastic bags would raise $172.5 million a year towards environmental causes. Such monies could go towards the fixing up of Australia's salinity problems or providing free reusable shopping bags for every household etc.

I would also like to quote what has been said by Labor members of the committee. Interestingly, the Labor members, Senator Wong and Canberra's Senator Lundy, made additional comments, and I will read some of them:

> Labor members of the Committee consider the evidence presented to the Committee demonstrates the urgent need for mandatory measures to minimise plastic bag usage in Australia. However, given the technical impediments to the bills under inquiry and the Government's opposition to mandatory measures, the passage of these bills will be futile.
>
> To be effective, the bills under inquiry require the introduction of a third bill, imposing the proposed levy. Due to constitutional and other constraints, only the Government can introduce a bill imposing such a levy. The Government has indicated it does not support such legislation and will not introduce such a bill. Without legislation imposing the levy, the bills under inquiry become ineffective, and are essentially reduced to an exercise in hypothetical legislating.
>
> Accordingly, we endorse the majority report's recommendation that these bills not be agreed to, albeit on somewhat different grounds.

They went on to say:

> Labor members note the positive steps taken by various retailers and communities to address the problem of plastic bag usage. In particular, the ban on plastic bags in

Coles Bay, Tasmania, implemented by agreement within that community (including business), demonstrates that mandatory measures such as a ban can be effectively implemented, with community support. Labor members further note that a similar ban has been announced in Huskisson, NSW, subsequent to the conclusion of this inquiry.

In contrast, we consider that the Retailers Code of Practice, agreed to by the Environment Protection and Heritage Council in August 2003, is unlikely to yield sufficient environmental benefits. The voluntary nature of the code, given the ineffectiveness of previous voluntary measures, is problematic. Even assuming compliance with the Code, the measures contained in it are simply insufficient.

Labor members consider the evidence presented to the Committee supports appropriate and effective mandatory legislative measures to minimise plastic bag usage. We regret that the bills under consideration do not provide this.

I will also read from the Australian Greens' dissenting report:

92 per cent of submissions support Greens legislation

The Australian community overwhelmingly wants to see concrete action to stop the proliferation of plastic bags.

According to research conducted for Planet Ark by Roy Morgan nearly 80 per cent of Australians support a 25 cent levy on plastic bags.

92 per cent (over 250) submissions to this committee supported a levy as a means of reducing bags. Only 4 per cent (11 submissions) were opposed.

6.9 billion bags per year

There are 6.9 billion bags used in Australia every year, this amounts to almost one per person per day. Most of these bags come from supermarkets where 3.6 billion bags are distributed each year. This is where the levy outlined in the Greens legislation is designed to have most impact.

They repeat what I have already said about Ireland. Their submission states:

Irish experience

The Irish experience demonstrates that the plastic bags levy works. Ireland is using 90 per cent less plastic bags at supermarket checkouts.

Australian experience—91% reduction from Bunnings' levy

New evidence in Australia shows how well the Irish experience can translate here.

Since Bunnings hardware stores introduced a levy on plastic bags at the beginning of October 2003, there has been a 91% reduction in plastic bag use. This far exceeds the hopes for a 50% reduction by Christmas and Bunnings reports strong and positive customer support for its campaign to reduce plastic bags.

Ikea has reported an 85% reduction in plastic bag use after its stores introduced a 10 cent levy.

Government's voluntary approach fails

The Federal Government has failed to take mandatory measures to reduce plastic bags consumption in Australia. I predict that the voluntary code agreement that has been reached with state governments and industry to reduce plastic bag use by 50% will fail.

Voluntary tax

Consumers will not have to pay the levy. It is a voluntary tax. Only consumers who use plastic bags will pay.

Meanwhile the current situation, whereby plastic bags are given away "free" by supermarkets means that the cost of the bags is built into increased prices of goods purchased by all consumers, whether they take the bags or not.

Conclusion

A levy has been demonstrated to work overseas and in Australia, and it has huge public support.

The overwhelming body of evidence presented to the committee suggested that the number of plastic bags presents a large and costly environmental problem and that a levy should be imposed.

The Senate should agree to the passage of these bills.

Bob Brown.

So, I cannot support a motion that does not include a commitment to take mandatory action. I do not have a problem with the government congratulating itself on some of what it has done but I will not support their amendment if it means ruling out Mrs Dunne's motion because at this stage, despite the irrelevance of a lot of the other propositions, it is Vicki Dunne's motion that comes closer to doing something concrete to address the real issue.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.15): Mr Speaker, I think it is important that we acknowledge the work that has been done by jurisdictions around Australia—jurisdictions led, indeed, by the Commonwealth minister for the environment—in relation to a regime for the management of plastic bags. I think we all acknowledge the significant environmental issue posed by plastic bags, both in their manufacture and in their disposition, and certainly the extent to which they create very significant hazards, particularly in the marine environment.

The ACT has been a very keen and active representative on both the Plastic Bags Working Group and the National Waste Working Group, which reported to state and territory environment ministers on these national waste issues. We have been very heavily involved through departmental officers in the Department of Urban Services.

In August 2000, environment ministers, including the then ACT minister for the environment, signed a national packaging covenant and the intent was that the covenant would be the sole regulatory instrument for consumer packaging wastes for the life of the covenant. That was a deal that the previous government signed up to and which this government has respected. It is for that reason—because we, along with all other jurisdictions, respect it—that environment ministers have considered options for the management of plastic bags at a national level through the covenant process which the previous government signed up to. We are keeping the faith with that. There are some that think perhaps we should not do so but we are keeping the faith with the covenant that the previous government was a party to.

In relation to the issue of plastic bags, the provisions of that covenant have been utilised by governments since last October. In December 2002, environment ministers, pursuant to those arrangements, agreed to a range of initiatives for the management of plastic bags that will contribute to a community goal of cutting plastic bag litter by 75 per cent by 2005. The initiatives agreed to at that time—that is, December 2002, a year ago—included challenging retailers to develop and implement a strong national code of practice for the management of plastic retail carry bags, with targets for recycling and reductions in plastic bag use; developing legislative options, including possible levies and a ban on plastic bags; developing a proposal for a coordinated customer and retailer awareness program; and the undertaking of a comprehensive study on the full impact of the introduction of degradable plastic bags into the Australian marketplace. Those decisions were taken a year ago.

There was quite significant lobbying, particularly by retail traders, of all ministers. Consequent to that, a decision was taken, essentially by the Commonwealth, that the Commonwealth would not under any circumstances agree to the imposition of a levy. I have to say that the consultations and the negotiations that went on between environment ministers essentially developed around the potential for a levy being imposed.

Of course, there are two sorts of levies. One is a levy imposed by the Commonwealth, consistent with its constitutional power to do so. This would be a levy that could be charged in the form of a tax on those that supplied plastic bags, with the potential then perhaps for some notional hypothecation of the funds that were received as a result of that levy imposed by the Commonwealth.

The Commonwealth flatly, point blank, refused to impose such a levy. That, of course, was the point of the remarks which Ms Tucker just made, particularly in relation to the dissenting report by Labor members of the committee that inquired into Bob Brown's legislation. Senators Wong and Lundy, in referring to their support for a levy, made the point that the Commonwealth had refused to impose a levy.

We need to distinguish between the Commonwealth's refusal to impose a levy and the potentiality of states and territories imposing a separate levy. States and territories, without the constitutional power to impose a tax, would in effect only be able to legislate for the retailer to impose the levy and for the retailer to collect the levy—for the levy to go into the retailer's pocket. I do not think this would lead to perhaps the outcomes that we are seeking.

On that basis, negotiations at the next meeting of environment ministers in August 2003, just on three months ago, led to a decision that environment ministers would take the retailers code of practice at face value; that we would end up in a compact with them; that we would work with the retailers in the implementation of their code of practice; and that we would hold them to the targets which they voluntary agreed to—namely, a 25 per cent reduction in plastic bags issued by the end of 2004.

You cannot deny that these are demanding targets. In a circumstance where there are around seven billion plastic bags distributed in Australia a year, the retailers have said, under their code of practice, that they will seek, through their membership, to reduce plastic bag use by 25 per cent in the first year. They then claim that they will reduce plastic bag use by 50 per cent by the end of 2005. That is 25 per cent a year. These are major reductions in plastic bag use. The retailers of Australia, essentially Coles and Woolworths, who use or utilise almost 50 per cent of all plastic bags, are saying to the governments of Australia, "We undertake to reduce the number of plastic bags in Australia by 3½ billion in two years." That is what they are claiming they can do.

The ministers were unequivocal in their attitude to the retailers. I met with them, as did all other ministers. We made the point starkly: produce the results you promise or we will legislate. They have promised to reduce the number of plastic bags being distributed in Australia by 3½ billion in two years. That is the promise they make. Environment ministers told them that if they did not meet their targets within three years we would legislate. So we agreed.

They also promised that they would introduce recycled content plastic bags consistent with availability, and then introduce a transparent and independent auditing process. They have also agreed that the auditing of the reduction would be independent and would be transparent.

As a result of that, at the meeting in August, 2½ months ago, ministers indicated their support for the phasing out of lightweight, single-use carry bags containing HDPE within five years—that is, total phase-out. They agreed that the Australian Retailers Association be asked to enter into negotiations during the life of the code to specify actions beyond 2005 to achieve this objective—that is, how they would, after the initial 50 per cent reduction, go from 50 per cent to 100 per cent in the three remaining years.

The environment ministers advised the retailers bluntly, unambiguously, that if the code is not implemented, if the specific targets are not reached, ministers will look again at implementing mandatory measures. Work by the council on the development of mandatory measures will continue in the interim. However, before regulatory measures can be implemented, further investigation will be necessary to identify the actual impacts that bans or levies would have, particularly in relation to the financial impacts to the wider community as well as the actual potential for reducing plastic bag use.

One important issue raised in this debate is the use of alternatives, particularly degradable bags. One of the issues highlighted by the Plastic Bags Working Group in their report to the covenant council was that of degradable bags, particularly the nature of degradability and the fact that degradable bags do not necessarily solve litter problems or the associated impacts on marine animals. Degradable plastics degrade in varying ways and require optimal conditions to do so. Some of the plastics will not degrade at all in

a marine environment or will not degrade quickly enough to prevent killing marine animals, which is one of the biggest environmental impacts associated with plastic bags.

Additionally, the degradation process for the bags often results in lots of small pieces—and we have all seen this; hundreds of small pieces—of plastic that can persist in the environment and can release toxic substances. The Plastic Bags Working Group has also looked at issues associated with the recycling of plastic bags as part of the development of these national initiatives.

The lightweight, high-volume nature of plastic bags makes inclusion of this material in kerbside services uneconomical and problematical, as the bags easily contaminate the paper recycling stream. Dedicated collections, such as those at retail outlets—those currently provided in the ACT at every Coles and every Woolworths—are regarded by everybody in the industry, including those within the waste disposal industry, as the best way to recycle plastic bags. The bags collected from these locations are sent for recycling, along with other soft film plastics such as shrink wrapping used to pack many bulk grocery items. *(Extension of time granted.)*

There is a real concern that, if degradable plastics find their way into current recycling systems, the integrity of the product will be jeopardised. The effect on other recycled materials would be significant if the overall quality of the recycled product is perceived to be substandard.

A study on the impacts of introducing degradable plastic bags in Australia was conducted as part of the ongoing work associated with the development of appropriate options for plastic bag management. The study has only just been completed—in fact, in September—and it is available on the Department of Environment and Heritage website. I do not think Mrs Dunne has read it yet.

ACT NOWaste has previously worked closely with retailers to reduce the use of plastic bags in the ACT. One such trial was the ReBaG trial in 1999. At the same time, a trial was conducted by Coles with reusable paper bags. These trials had some success but could not compete with the "free" plastic bags. Currently, as part of the implementation of the national initiative under the retailers code of practice, Coles supermarkets are selling alternative reusable green bags and calico bags, and Woolworths is selling alternative calico bags and has placed "Every bag counts" signage on most checkouts.

In terms of the development of national initiatives for the management of plastic bags, the ACT is currently taking the lead in the development of national guidelines for litter and waste management associated with plastic bags. It is acknowledged by every other jurisdiction that we are doing that. We are taking the lead on this issue. The work includes waste management guidelines for landfill sites as well as other disposal sites such as litter bins.

Following on from the work conducted on the impact of introducing degradable plastic bags in Australia, which, as I say, was completed in September, an Australian standard for degradable bags is being considered. Standards will be developed in consultation with all stakeholders that match the potential application areas and disposal environments in Australia.

The ACT is also represented on the working group formed to progress this very important issue nationally. Officers of my department are working on that very important part of this overall process. We are heavily involved on every working party, on every working group, with every initiative that is going on nationally in relation to this issue of how to reduce the numbers of plastic bags in Australia. The ACT is leading the way. It is almost the main jurisdiction driving the issue.

I think we all agree that plastic bag use needs to be reduced and recycling enhanced. The ACT is working vigorously towards solving issues associated with plastic bag use. At a national level, options are being developed to address waste management issues and the sustainable recycling of plastic bags. Initiatives are also being developed for consumer education and awareness campaigns for the use of alternatives and reduction of plastic bag use. The efforts of the National Waste Working Group and the Plastic Bags Working Group are quite clearly addressing these issues at a national level and also within the ACT.

I have to say in conclusion, Mr Speaker, that this is just one of your classic trumped-up opposition attempts to get one's name in the paper. This work is being done; everybody knows this work is being done. I have broadcast it widely over the last year. I have indicated to everybody in this community and in this Assembly the work that the ACT has been doing.

Mrs Dunne's performance today, in the media and here in the chamber, in relation to this issue is revealed for what it is—just very petty, shallow politicking, looking for a photo, looking for a little story in the press, misleading the community, misleading journalists, misleading other people in this place, about the work that has been done.

Mrs Dunne: On a point of order, Mr Speaker: three times the Chief Minister accused me of misleading.

MR STANHOPE: You have.

Mrs Dunne: He accused me of misleading in this place and it needs to be withdrawn.

Mr Hargreaves: On the point of order, Mr Speaker: I did ask for your advice recently about the use of the word "misleading" and, as I understand it, your ruling was that if it applies to people in this place then it is unparliamentary but if it applies to somebody else then it is not unparliamentary.

MR SPEAKER: I would require that the words which infer that there was a misleading of people in this place be withdrawn.

MR STANHOPE: I withdraw that suggestion, Mr Speaker. I was simply commenting on what I think most of us have noticed in recent times about the incredibly personal and nasty politics that emanate from Mrs Dunne. I think she certainly has achieved a very certain reputation in this place as the font of almost all poison. I think it is probably about time some of us mentioned it to her.

Mrs Burke: Oh, excuse me!

MR STANHOPE: Well, I think we have all noticed it. It is probably about time that somebody said that there is a source of poison in this place and it is Mrs Dunne. It needs to be said; we all know it. I think we are all just a little tired of the constant personal, nasty attacks that are just part and parcel of every commentary she makes. That is my view of that; that is my view of the objectivity and the worth of this motion.

This work has been done. It has been done in a rigorous way. Departmental officers have been heavily involved in every aspect of it. We work cooperatively with every other jurisdiction. I might say that the Liberal Commonwealth minister led us essentially to the result that was achieved as a result of the Liberal federal government's refusal to contemplate a levy. That was a starting point in relation to where we might go from there, in the face of an absolute refusal by the Liberal Commonwealth minister to contemplate a levy.

We then had to look for other possibilities and other opportunities, and that is what we did. We have achieved this cooperative outcome, this cooperative result, with a hard and fast promise that the number of plastic bags in Australia will be reduced by 3½ billion in the next two years, with a promise by all ministers that, if it is not met, then we will legislate. And that is the position for the Commonwealth, too, as well as the states.

There was a real willingness amongst the states to support a levy but, of course, the constitutional power in relation to that is vested essentially with the Commonwealth. A levy is considered to be a tax, and states and territories are prevented from imposing taxes. So, Mr Speaker, to better reflect the exceedingly good work that has been done, I have drafted and circulated an amendment. I move:

> Omit all words after "acknowledges that plastic bag use needs to be reduced and plastic bag recycling needs to be enhanced in the ACT", substitute:
>
> "(2) notes that the ACT Government has agreed with the Commonwealth to work with other States and Territories, and the Australian Retailers Association to achieve:
>
> (a) a community goal of cutting bag litter by 75% by 2005;
>
> (b) a reduction in the use of lightweight single use plastic bags of 50% by the end of 2005;
>
> (c) an increase in the recycling of these bags by between 15 and 30% by the end of 2005;
>
> (d) the phasing out of lightweight plastic bags within 5 years;
>
> (e) an appropriate Australian standard for degradable bags;
>
> (f) a national campaign to reduce plastic bag litter and encourage retailers to get behind the *Retailers Code of Practice for the Management of Plastic Shopping Bags* to ensure the national bag reductions and recycling targets are met;
>
> (g) the introduction by retailers of a transparent and independent auditing process to measure bag use, recycling and litter levels, which will also regularly

> report to Ministers on progress and undertake a vigorous program to encourage more retailers to join the scheme.”.

MR CORNWELL (10.32): I am sorry that the Chief Minister ended on such an aggressive note because, frankly, I feel that the motion and the amendment probably complement each other. I do not have a problem with either of them. I rise to support Mrs Dunne’s motion, and I will come to the Chief Minister’s amendment shortly.

I do not think anybody in this chamber would be against the idea of reducing the use of plastic bags. I personally think there are probably fewer plastic bags lying around now than we used to see but the fact is that even one or two are offensive to the eye. I sometimes think that people are more aware now of the problem that plastic bags can cause and that those we might see blowing around are probably just escapees, if I can put it that way.

As I say, I do not see anything wrong with any of the parts of Mrs Dunne’s motion. Part (2) talks about calling on the government to ensure that there are plastic bag recycling drop-off points. I am aware, and I think the Chief Minister mentioned this, that Woolworths have a recycling area at most of their outlets. However, the use of those outlets, I believe, is very much reliant upon part (3) of Mrs Dunne’s motion, which calls on the government to embark on an education awareness campaign so that these matters, which are very easy to forget, can be brought to the attention of the community.

Part (4) calls on the government to work with business and encourage more consumer choice. There are, in fact, a number of fairly active groups. I know my wife now uses other bags—I do not know whether they are calico bags—for shopping. She has a few friends who make these bags and they sell them at fetes and such like. There are opportunities for doing this and, of course, there are opportunities for involving more and more of the community. The fifth part of the motion calls on the government to work with business and to trial a plastic bag levy in Canberra. Again, I do not see a great problem with that.

As I have said, I think Mr Stanhope’s amendment can complement Mrs Dunne’s motion. There are statements of fact to achieve goals but I must say that I find it a little difficult to know whether we are going to be able to measure some of the goals. But, never mind, it is a good thing to put this together.

The only doubt I have is in relation to paragraph (g) of Mr Stanhope’s amendment which calls for “the introduction by retailers of a transparent and independent auditing process”. This seems to me to be very bureaucratic and I wonder again whether it can be done efficiently. But I do not think that detracts in any way from what Mr Stanhope has said about the activities of the states and the Commonwealth in trying to overcome this wretched blight; neither do I think for a moment that it negates Mrs Dunne’s motion. As I say, I believe that the motion and the amendment complement each other.

MRS DUNNE (10.36): I welcome the wording of the Chief Minister’s amendment rather than its intention. I think that it is unfortunate that on a regular basis on private members day the government comes in here and tries to gut the motions put forward by members of the opposition and the crossbenchers. It is almost as if, if the government does not have the idea, it is not a valid idea. It bespeaks a certain amount of hubris that

the government feels that even on private members day it has to try to lord it over everyone and have its own way.

If the Chief Minister had come and said, "Look, Mrs Dunne, how about we put in a couple of paragraphs that acknowledge the work that has already been done," that would be fine. I would have no problem with it, and I do not think that anyone in this place would have a problem with that. But we have this sort of pre-emptive approach every private members day—and I think that it has happened the last three private members days—where especially the Chief Minister comes in with an amendment which says "omit all words after" with a view to inserting other words.

It is, as Mrs Burke says, a pretty churlish approach. Mr Cornwell has made the point that none of the actual words that Mr Stanhope proposes to put in the motion are exceptional or offensive, and in fact we would support those. But what we do not support is removing all of the substantive items from the opposition's motion, which actually asks the government to take more action.

It is fine to recognise progress so far, but what we are calling on the government to do in this motion—which has been on the notice paper since June and which was foreshadowed some time before that—is, now that we have made a commitment to go down this path of reducing the bag litter by 75 per cent by 2005, not to just leave it to the Retailers Association but to create an environment in the ACT where we can actually achieve those targets. That is what this is about. It is calling upon the government to facilitate a community action to make these targets work. It is not sufficient just to set the targets and sit back and then, if the Retailers Association fails, to blame it.

We are trying to create is a cooperative spirit in this territory so that we can make some achievements for the environment. So, while I am quite comfortable with the words in Mr Stanhope's proposed paragraph 2, I think that it is not in the spirit of the motion to remove all the substantive points in the original motion, which were originally numbered 2, 3, 4 and 5. That is why I propose to add to Mr Stanhope's motion, at the end of his substantive paragraph, the words that he proposes to delete.

I think this is the third time in this place that we have had to go down this path. I hope that soon the government will learn that members of the opposition—and I hope the members of the crossbenches—will not be cowed by their tactics, and that they will actually take a more consultative approach, to coming up with an environmental solution in this case, rather than just trying to beat down any opposition. Working cooperatively does not seem to be in the lexicon of the Chief Minister, but I would encourage him to try to do so in future.

I move the following amendment to Mr Stanhope's amendment:

> After "join the scheme" add:
>
> "(3) calls on the Government to ensure that there are plastic bag recycling drop off points at all major town centres across Canberra;
>
> (4) calls on the Government to embark on an education and awareness campaign promoting the benefits of reducing, reusing and recycling plastic bags;
>
> (5) calls on the Government to work with business and encourage more consumer choice for carrying goods bought, i.e. allowing choice of plastic bag, calico

bag, boxes or degradable bags;

(6) calls on the Government to work with business and trial (a) a plastic bag levy in Canberra and (b) the use of biodegradable or degradable plastic bags using a similar approach to the ReBaG trial in 1999.".

I apologise to members for the cumbersome nature of this. I took some time to consult with the clerk as to the best and most expedient way of doing this. Unfortunately, we do end up with a couple of very cumbersome amendments, but perhaps if the Chief Minister had come to me in a consultative way we could have come up with an easier solution.

MRS BURKE (10.41): I commend Mrs Dunne for her initiative in bringing on this motion. I too feel it is a little churlish of the Chief Minister and this government to take this ridiculous stance on private members day of not wanting any opposition at all to anything they do. I thought that was the democratic process, but to play silly games is just time wasting. Mrs Dunne's motion calls on the government, which I know has a propensity to do the least possible work, to actually do something. The motion clearly has some excellent ideas for the government to embrace, and I think Mr Cornwell alluded to them, as did Mrs Dunne. They were some practical things. This is the doing side of the protocol that was signed.

The protocol is all well and good, but we need action. Action speaks louder than words. This government is very good at words and rhetoric, but when it comes to actually acting we have the minimalist approach, it would seem—anything just to get by, put a veneer on things, that will do. Of course, as I have said, I understand that Mr Stanhope's agreeing with the Commonwealth protocol does little more than simply give lip service to the notion; it is not action on the motion. However, it is pleasing to see that this government has agreed to work with the Commonwealth in signing the protocol. It makes a pleasant change, I guess, from the constant carping and knocking that the government seems to delight in doing with the federal government.

I would make the point that this government is not really committed to reducing plastic bag litter. The funding to the Clean Up Australia campaign was halved, if I remember correctly, so that sort of flies in the face of that a little bit, which is disappointing, given that the government has signed this agreement. Mr Speaker, I raise a point of order.

MR SPEAKER: Yes, a point of order. There is too much discussion going on.

MRS BURKE: Thank you.

MR SPEAKER: Including mine, which is very important!

MRS BURKE: The targets and aims are very admirable, but they remain no more than words on paper—unachievable, as Mrs Dunne has said, if there are no actions alongside the words. The Chief Minister has said much is happening, but much is happening, it seems, from a distance.

Mr Stanhope, for your information, people in this town are very interested in roads, rates and rubbish. It is the little things that count. Anyone who has driven past the Mugga Lane tip lately will see that it is extremely concerning still to see so many bags flying up against the paddock fences, extremely dangerous to the stock that are grazing in those

paddocks. It has been cut down somewhat, as Mr Cornwell has said, so some things that are being done are working. We still can do more. We cannot be complacent, sit on our hands and say, "There we go, we've signed something; we're doing this and we're doing that." Let us keep trying. And that is what Mrs Dunne is doing here—initiating something that will say, "That's good. Let's build upon the things that we've done."

I am sure that it is time that we stopped talking and began acting—acting upon the things that are stated in the protocol and on the things that Mrs Dunne quite clearly brings out. I commend Mrs Dunne for bringing on this motion today, as I have said, to further enhance any other work that has been done to date that the Chief Minister alluded to. It is indeed a pity that the Chief Minister continues to take a very aggressive and churlish stance on private members day—and it is worth saying again. It does no more than obstruct the flow of proceedings in this place. I think both amendments are good. As Mr Cornwell has said, they work well together. Given that this was on the notice paper many months ago, it is a little sad to see some sort of snap thing coming out now, at the 11th hour. I would have thought somebody with your experience, Chief Minister, would have known better than that, but never mind. Let us hope that we all agree to it going forward. I commend it to the house.

Mr Stanhope: Stick to the waiting lists, Jacqui. You've got those down pat.

MRS BURKE: Well, you don't know much about the environment—or water. What do you know about, Mr Stanhope?

MS DUNDAS (10.45): I pointed out in my speech to the substantive motion, and the amendment by Mr Stanhope, that I did take issue with Mrs Dunne's original motion in regard to the way that it called on the government to trial a plastic bag levy and the concerns that I had about how that fitted in with the constitution. But, as a result of discussions with the clerk and with other members of this place, I am aware that now we are talking about a non-compulsory trial, and to work with business to implement this trial. Because the motion before us is actually calling on the government to see this work happen, as opposed to actually introducing a new tax, I am willing to say that I no longer have a problem with that part of Mrs Dunne's amendment, and I believe that the constitutional debate has been cleared up.

Question put:

That **Mrs Dunne's** amendment to **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Mrs Dunne's amendment agreed to.

Mr Stanhope's amendment, as amended, agreed to.

MRS DUNNE (10.52): Just very briefly, Mr Speaker, I seek the indulgence of the house. I thank members for their straightforward and sensible support for what is meant to be a motion that makes life easier in the long run for the people of the ACT. I think that what we have done tonight is a small step forward in making the waste stream in the ACT that little bit less intractable, and I thank members for their support.

Motion, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Falun Gong
Australia Day in the National Capital Inc

MR STEFANIAK (10.53): Mr Speaker, several days ago I was seen by a constituent who was a Falun Gong practitioner who told me a very sad tale in relation to persecution of Falun Gong practitioners in the People's Republic of China. Specifically, she had concerns for some friends of hers who were either residents of Australia or, in one instance, an Australian citizen.

The concerns related to a Yuefen Tao—spelt Y-u-e-f-e-n, given name, and family name, T-a-o. She is a Sydney resident who was actually recently released from a labour camp in Beijing, but there is further action by the government to be confirmed there. The lady, I understand, is trying to leave China to come back to Australia but there are some problems there.

The second person is a friend of my constituent. She is Lin Zhao—L-i-n being her given name and Z-h-a-o her family name—an Australia citizen. My constituent said she was kidnapped from home by the police from Chaoyang district of Beijing on 26 September 2002, current whereabouts unknown. She is an Australian citizen. The other lady is an Australian resident.

My constituent is very concerned at the situation of her friends, as are relatives of those two particular persons. Given that we actually have a sister city relationship with Beijing, I would certainly ask the Chief Minister—I have mentioned this to him and I will formally write to him as well—to use his best endeavours to secure the release and return to Australia of those two persons who are friends of my constituent. As I said, one of them is an Australian citizen, and the other one a resident of Sydney.

On another matter, Mr Speaker: first, I will declare that I might have a bit of a conflict of interest. I am actually on the committee of Australia Day in Canberra, and have been for a number of years, on and off. I was very concerned to see the minister not fund this excellent event, which has been going for 15 years. The committee members are a very

diverse bunch. Many of them have been prominent Canberrans for many years. There are indeed former Assembly members. I think Mrs Grassby is an active supporter of it, as is her husband. Indeed, a number of formerly prominent members of the Labor Party are on it, as indeed are people like myself who are in the Liberal Party. It is very much a cross-section of the community. Colin Slater, a well-known Canberra identity, is executive officer.

I can recall problems last year. In fact, I spoke to the government on a number of occasions last year because, again, funds were sort of held up. They were finally granted. It was not the $50,000 sought; I think it was about $40,000. Nevertheless, the government—maybe grudgingly, and right at the 11th hour—actually did commit funds. I was very concerned, though, to see that this year—I will not go over the debate we had earlier; that is for everyone to read—funds were not granted.

It is an excellent event. Regularly on 26 January many thousands of Canberrans attend the Australia Day in the park events. There are a diverse range of events. There have been some wonderful events there. At one stage, Fred Daly and I used to run speakers corner for a while. I think my colleague, Mr Smyth, has read out the number of events that the Australia Day in the National Capital Committee want to hold again this year.

Some of those events will not be held as a result of the actions taken by the minister. I think that is an absolute tragedy. I would ask him to reconsider. I hope it is not too late, but I do not hold my breath on that one. An institution that has provided joy to thousands of Canberrans young and old every year for about the last 15 years is in real jeopardy this year. There will be a few events that will not run, and I think that is a tragedy for the territory.

Australian International Hotel School
Playground equipment

MRS BURKE (10.57): I promise not to deliver a long list of names tonight. But last night, when I took pleasure in talking about the Australian International Hotel School's seventh conferring of degrees ceremony, I inadvertently missed out somebody. That was partly because it was a new award this year—it was the ambassador's award. It was the inaugural award, and the recipient this year was Elizabeth Grant, who members may remember was an AIHS foundation ambassador.

Secondly, I would like to bring to the attention of members and other interested parties an exciting innovation that would bring joy and a sense of freedom to many young children with a disability. I know that Minister Wood is aware of this. I have written to him on the matter. Many of us probably do not think about how difficult it is for people in a wheelchair to undertake basic activities like enjoying the fun of a swing at the park. This swing can bring them enjoyment, and I think it is a worthwhile piece of equipment that the government should seriously consider installing in Canberra. This was brought to my attention by the excellent organisation, Rotary, and I think that the minister had a chance to look at it today.

Mr Wood: It's a massive thing. I saw it today.

MRS BURKE: Good. I would like to see the government give broader consideration to installing one or more of these, initially in a public playground. Ultimately, it would be wonderful to see this product considered as a mainstream piece of equipment for any playground. Granted, the swings are not cheap. They are around $25,000 each. But I think expenditure on them would be well worth it, as they are safe and easy to use, meet standard and safety requirements, stand up to the rigours of an outdoor children's playground, are securely locked while not in use, and are Australian designed and manufactured. I think that is something good.

I am glad to see Mr Wood back for this part of the proceedings today. He has told me he has seen the swing. It was on display at the recent Australian Local Government Association conference—so we know you have been to the conference, Mr Wood; that is good—which was held at the National Convention Centre. And I am ever hopeful that he will now consider the benefits of installing such equipment in the ACT.

School water tank

MR CORNWELL (10.59): I rise to talk about a water tank in a school. A school here in the ACT—which can remain nameless; it is not important—decided that it would like to purchase a water tank, and they wondered whether they were eligible for the rebate of several hundred dollars. They were told by an ACTEW representative by telephone that they were entitled to it. They went ahead and purchased the water tank at a cost of several thousand dollars. After installation, they applied for the rebate and were told the claim was rejected because the school was not a residential property.

Apparently Environment ACT assesses the rebate applications, although ACTEW promotes the rebate. This seems to me to be a rather silly thing. I am sure there is a glitch here. Surely we are splitting hairs. If we are trying to encourage people, individuals who live in residential properties or indeed people in schools or any other building, to try to conserve water—water is the issue—it seems to me rather silly that we should have this glitch.

It is also very unfortunate that, when an organisation goes to the trouble of checking, it obtains misleading information. It is my intention to write to the minister—I think it would probably be to the Chief Minister because it appears it is Environment ACT that assesses the rebate—simply asking if this could be reconsidered. Not only could this be reconsidered in relation to this particular school, but perhaps some new and broader guidelines could be introduced. We are constantly told that we must conserve water. When schools and other bodies, as well as residences, go to the trouble to attempt to do so, I do not believe that they should be denied that opportunity because the rebate will apply only to a certain narrow area.

Members—attitudes

MS TUCKER (11.02): I am going to take the opportunity tonight to just mention that I am concerned when I see members of this place—particularly the Liberals have been doing this—making personal comments about people when they have no idea of the truth of their comments. I do not usually respond. I do not usually even talk in the adjournment debate, and, to a degree, I am still not sure if I should be even dignifying it with a response. But I just feel uncomfortable with it.

It is not relevant to the debate, it is not funny, and they are wrong. Mr Cornwell tonight incorrectly assumed that no-one from this part of the house, the crossbench, had been victims of crime. He is wrong. I have been a victim of very serious crime. It has nothing to do with it, though. It has nothing to do with the position I take. My policy is not determined by my personal experiences.

Lightening up a bit, I do not like chardonnay. If I want to drink anything, I will drink a whisky, and I don't do that very often. Maybe Mr Cornwell needs to do it less—or whatever it is he likes to drink.

Thirdly, Mrs Dunne came down the other night especially to mock Ms Dundas and myself because of our embracing of the youth culture, as if this was somehow an affectation. There were comments made about hip-hop. I actually found that interesting too, because Mrs Dunne has never talked to me about hip-hop. She has never asked me if I like hip-hop.

Mrs Dunne: Do you?

MS TUCKER: I do actually. And a lot of hip-hop happens in my house because two members of my family compose it. And I want to respond to that, not because I have a connection with it—I would not claim to be the key expert on hip-hop, but I do live with it, and I like some of it—but because I just wanted to talk up hip-hop actually, because I know in Australia it is a very interesting culture.

Just for the record, I want to talk about it a little bit, because if you look at hip-hop, in America particularly, you will see that it is often portrayed as a very negative culture, and there are some MCs who just rap about violence, money and girls. But, let's face it, it is pretty hard to get away from those three things anyway. But a lot of American hip-hop artists, other than those making up gangster identities for themselves to sell on the mainstream charts, are telling real stories about the social inequities in contemporary society, particularly for black Americans. Hip-hop is a voice that is used to express opinions about all sorts of things, and there are lots of rappers who use it in a really positive way.

Australian hip-hop has developed a style of its own. It started from the American culture, but there are now a lot of Australian groups who are proud to be rapping, in an Australian accent, about real issues. Some Australian hip-hop groups are the Hilltop Hoods, the Herd, 12,000 Techniques, TZU, Sister She, Combat Wombat and Curse of Dialect. And there is another American group who are doing really well at the moment, the Black Eyed Peas. Their song "Where is the Love" has been No 1 on the mainstream charts for weeks, and it is a song about peace and global compassion. So I think, let's hear it for hip-hop.

Ramadan
Australia Day in the National Capital Inc

MR PRATT (11.06): Mr Speaker, I do not quite know what Ms Tucker was aiming at there. I certainly would agree that we do not need to have unnecessary barbs flying

around the chamber. I am not sure whether that is what she was driving at. I just hope she is not being too thin-skinned about some of these issues, but—

Ms Tucker: It's about saying things that aren't true about people that you know nothing about.

MR PRATT: Like when—

Ms Tucker: You didn't hear me. That's what I said.

MR PRATT: Yes, right—such as people labelling people, yes.

Mr Speaker, I have a couple of points I want to raise. The first matter that I rise to speak about is Eid-al-Fitr. I would like to congratulate the ACT Muslim community in its celebration of the end of Ramadan, the month of fasting and deep observance of Islam. We have a significant Islamic community in the ACT, and I think we should just identify and recognise what they are celebrating at the moment. They are now exercising their three-day festival of Eid-al-Fitr, or Eid-al-Mubarak, which is basically the highest point of the Muslim calendar. So I give my regards to the Imam of the Canberra Mosque, to the leaders of the Islamic associations across the ACT, and to the various leaders in the Muslim community.

It is timely, in terms of the need to make sure that we maintain harmony in our community, that we recognise what the Muslim community is doing and how Muslims are celebrating certain things at this time. Of course, amongst those people is Mohamed Omari, the president of the ACT Multicultural Council, and I pass on my best regards to him.

If I may go to another subject, I too was concerned today to see the Chief Minister not giving a response at all about the failure by government to fund Australia Day. I think that is extremely disappointing and I think it reflects a marginalisation of Australia Day. Not only is Australia Day important, but I would have thought that in this community it was one of the peak days that we celebrate in the year, and therefore deserving of at least moral and symbolic support by the government, even if it cannot find all the resources.

I feel that the Chief Minister today, in the way he discussed this matter in question time, demonstrated a great disrespect for Australia's national day. I think he demonstrated disrespect for the achievements of our forefathers—the background to why Australia Day is Australia Day. And sometimes symbolism is important. Certainly we see that on the other side of the chamber symbolism is important. The bill of rights and industrial manslaughter as symbolic gestures of left wing politics are very important. They certainly attract the spending of a lot of money, and certainly more money than is going to be spent on Australia Day. So I am extremely disappointed, and I must say I thought it was rather churlish of the Chief Minister that, when the subject of Australia Day arose, he could not help talking about some of the more negative aspects of Australian history.

I do not know why that happens. We should be proud of our country. We embrace its strengths and its weaknesses. We understand that we have had some failings in the past, and we know we have to address those and move on. But to be too negative too often is not good for this community. And particularly we who are exercising leadership in the

ACT community need to set a good example for our children. Our children in schools need to understand that Australia Day is very important. I just do not know that we as a community will now be setting the right example.

Social problems

MRS DUNNE (11.10): Mr Speaker, I want to dwell on one of the terms that have been bandied around a lot in the last couple of sitting weeks, and that is "underlying". I just have to go back to something Ms Tucker said, to point to one of the things that caught my attention in the use of the term "underlying". We talked a lot in the last couple of weeks about the underlying causes for a whole range of things and a whole lot of social problems, from homelessness to crime, to antisocial behaviour and graffiti. The reason I commented in the adjournment debate last week about Ms Tucker and hip-hop was that I thought that she was saying that hip-hop was one of the underlying causes of graffiti, and I may have misinterpreted that.

I was rather amused listening to Ms Tucker, because I thought that the tone of the Assembly could be improved somewhat, and I would not consider it in the least disorderly, if Ms Tucker had in fact rapped her speech on graffiti. I think I made the point that it would be enhanced by Ms Dundas on the beat box, and I do not consider that disorderly at all.

Although, unlike Ms Tucker, I am not a great fan of hip-hop, I live with it a lot and I have a daughter who is an amateur MC. They think that it is great, but it is just not my style of music. Mr Cornwell might think that, if hip-hop was in fact one of the underlying causes of graffiti, perhaps we should ban hip-hop as well, and I suspect there might be a lot parents around town that would appreciate that from time to time.

But on the more serious subject of the underlying causes, we talk a lot in this place about the underlying causes of social problems, and it is one of those things that are very hard to address. We have talked about the underlying causes of homelessness, crime and a whole range of antisocial behaviours, and it is often a challenge to actually identify what that underlying cause is. Even if we can find it, sometimes it is something like poverty, unemployment or mental illness—which means that, even after many generations, governments and institutions have come no nearer to abolishing it. I do not want to be glib about this. These underlying causes of social problems are issues that need to be addressed by legislators, and, like most of us here, I believe that prevention is better than cure.

One has to be careful about terms like "social capital", but we do know such factors are important in determining the nature of our society. Youth marginalisation is a real phenomenon, and perhaps I have been guilty of marginalising the youth by being glib about hip-hop, and, if that is the case, I apologise.

There is indeed a risk of relying too much on enforcement and on increasing penalties as a kind of authoritarian response, and we have seen this in many places. But the other side of the coin is that we often say, "No, you can't go down that path because we need to look at the underlying causes of the problem," as though it is an excuse for neglecting enforcement.

Prevention may be better than cure, and prevention may be preferable to symptomatic treatment, but it is often cold comfort if you have already got the symptoms of the cold. The irony is that those who lose as a result of what is sometimes seen as a compassionate approach to enforcement of the rules of society are not only the victims of crimes but also the perpetrators. We are doing alienated youth no favours by neglecting the need to enforce the law and by letting them get away with antisocial behaviour because we feel guilty that somehow it is our fault as a society and therefore reinforce this behaviour in the name of compassion. There are risks at both extremes. Though prevention is certainly better than cure, we need both. We cannot assume that advocates of prevention have a monopoly on compassion in this place.

Australia Day in the National Capital Inc

MR SMYTH (Leader of the Opposition) (11.15): Mr Speaker, today and yesterday there was much discussion about the government's lack of funding for the Australia Day celebrations in the national capital. The crux of the matter seems to be that there were going to be two concerts. That is Mr Wood's defence—that the National Capital Authority is organising a concert; therefore, we do not need a second one.

I asked Australia Day in the National Capital to explain their side of the story and they sent me this letter, which I think is quite instructive. It is addressed to me and is dated today. It says:

> Dear Brendan
>
> Further to our discussion this morning the following is a brief historical account of the application from Australia Day in the National Capital to the ACT Festival Fund.
>
> - Around May this year the National Australia Day Council of which the President of Australia Day in the National Capital, Mrs Marjorie Turbayne, is a member decided that in collaboration with the National Capital Authority and other sponsors, the Australian of the Year Awards would be announced in Canberra at a major event in Federation Mall on the eve of Australia Day. Following these awards it was proposed to stage a major concert called 'Celebrate'. Both these events have a national objective in promoting Australia Day. The content of these events would also be nationally oriented. It was not intended that they would in any way substitute or conflict with the celebrations of Australia Day in Canberra, on Australia Day.
>
> - With the knowledge of this event Colin Slater, the Executive Director of Australia Day in the National Capital, had a meeting with the ACT Festival Fund to discuss the implications of the major Australia Day eve events in terms of our application for funding. At this meeting Colin Slater pointed out that it would not be appropriate to have another Australia Day concert, on Australia Day, given the scale of the concert proposed for Australia Day eve. He then outlined a proposal to have an afternoon event in Commonwealth Park featuring Sirocco and local community groups. Sirocco is an internationally acclaimed group which has had close ties with Canberra for over 15 years. One of its members is a Canberra resident. The

upshot of this meeting was that the ACT Festival Fund advised Colin Slater to proceed with the application.

- The application for funding from the ACT Festival Fund was duly submitted by the due date with full supporting information including an attached letter from Mrs Turbayne advising that ACT Government support through the Festival Fund was crucial to the ongoing success of Australia Day in Canberra. It also requested early approval given the lead time needed to organise such an event. The application also made reference to a discussion that the Minister, Bill Wood, had with Colin Slater in January last year, where the Minister asked if it was proposed to have a fireworks display on Australia Day. On being informed that a fireworks display was being proposed he expressed some delight in that, because of the pressure he had received following the Government's decision to not have fireworks on New Year's Eve. So the current application for funding also offered the possibility for the Government to fund a fireworks display on Australia Day. That point has obviously been overlooked, and indeed, the discussion that Bill Wood had with Colin Slater.

- Approximately six weeks ago Colin Slater phoned—

it was a public servant; I won't name the person—

> … of the Festival Fund to inquire about the status of the application for funding. He was informed that no decision had been made. He was certainly not informed of any difficulty with the application.

- On Thursday 30 October Colin Slater phoned—

the same public servant—

> … once again to ask about the status of the application. He was informed once again that no decision had been made as yet. He particularly needed to know prior to attending a meeting of all the Executive Directors of Australia Day from around the country. During that meeting he was phoned from the office of Australia Day in the National Capital advising that a letter from the Minister, interestingly dated 30 October, had been received advising that there would be no funding for Australia Day in the National Capital. It is also interesting to note that no phone call was received from ACT Festival Fund.

In summary:

- Australia Day in the National Capital has not, to our knowledge, been advised at any time by the ACT Festival Fund to amend our application.

- The event being proposed by Australia Day in the National Capital is a 'Picnic in the Park' it was not proposed as a concert.

- The 'Picnic in the Park' is an afternoon event, and is completely different to the event on Australia Day eve. It has an Australia Day theme and it involves Canberra artists.

Attached is a list of the members of the Committee which represents a broad range of experience and interest in the community.

I think from that, Mr Speaker, you have a totally different story to that which the minister has been peddling. I do not have time to list all the members of Australia Day in the National Capital, but there are about 40 people who represent a fairly broad range of interests—certainly a lot of experience and certainly a lot of people who have donated a lot of time to our community. I think the minister should apologise to them for calling them unrepresentative.

Question resolved in the affirmative.

The Assembly adjourned at 11.20 pm.