DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

16 MARCH

2005

Wednesday, 16 March 2005

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

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing orders be suspended as would prevent notice No 4, Private Members' business relating to the Minister for Health—Proposed Motion of Censure, being called on forthwith.

Minister for Health
Motion of censure

MR SMYTH (Brindabella—Leader of the Opposition) (10.33): I move:

> That this Assembly:
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> (1) notes that the:
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> (a) inpatient cost weighted separations target for 2004-05 is down 2232 on the 2003-04 result;
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> (b) average number of additions per month to the elective surgery waiting list has reduced since 2001;
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> (c) amount of elective surgery at Calvary year to date is down 13% on 2003-04;
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> (d) amount of surgery at The Canberra Hospital year to date is down 7% on 2003-04; and
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> (e) that elective surgery waiting lists are at a record 5,035; and
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> (2) censures the Minister for Health for his comprehensive mishandling of the Health portfolio.

Mr Speaker, I am moving this motion today because there has been a lot of discussion about health statistics of late. I am pleased this discussion has been occurring and I am pleased it is occurring first up on private members' day because, for too long, the Minister for Health has been able to get away with glib lines about the true state of our hospital system. With apologies to Disraeli, there are lies, damned lies, statistics and health statistics. The Minister for Health has used and abused the dark art of health statistics to an intolerable level. This motion today is a chance for the true statistics to be discussed, without the restrictions imposed by the 30-second news grab.

The first part of this motion concerns the targets for inpatient cost-weighted separations. These latest figures, taken from the output statements tabled at the recent supplementary appropriation hearing, show—if members look at page 60 of the document from the Treasurer—that the number of cost-weighted separations for inpatient service has

declined. In 2003-04, it was 67,213. This year, the target is only 64,981, a drop of 2,232. The revised target—surprise, surprise, Mr Speaker—remains at 64,981. If we are doing more, as the minister has suggested that we are doing, then why haven't these targets been adjusted? The reality is that the number of cost-weighted inpatient separations is not going up.

We had opportunity in the estimates hearing last Friday to ask the minister about his claims that the number of surgeries is going up, and it is interesting that the minister uses surgeries instead of cost-weighted separations.

Mrs Burke: On a point of order, Mr Speaker: there is audible noise in the gallery. I am glad the Chief Minister and backbenchers have found this so amusing.

Mr Stanhope: No, we find it irrelevant, not amusing.

Mrs Burke: No, you were laughing.

MR SPEAKER: Order! Please reduce the amount of conversation going on in the chamber. Mr Smyth has the floor.

MR SMYTH: Thank you, Mr Speaker, and thank you, Mrs Burke, for the support. We asked the minister if it is true, if there is more surgery, why is the number forecast down; to which the minister said; "You have to understand that we have shifted the oncology numbers out of the inpatient and put them into the occasions of outpatient services, and that is why the number has actually gone down," which is quite interesting, because, when you go to the next line on page 60 of the second approp bill, the number of cost-weighted occasions of outpatient service has gone down as well. So we have actually transferred a service out of the inpatients into the outpatients, and the outpatients has gone down as well. In the year 2003-04, the audited outcome was for 242,031 occasions of outpatient service.

What is the minister's target, remembering that oncology services have been transferred into it so that it should have gone up, you would have thought? Mr Speaker, the target for 2004-05 is only 235,000 occasions of service or 7,031 cost-weighted occasions of outpatient service fewer. The minister said, "We are doing more," so you would expect the 2004-05 revised target to be increased. Has it? No, it has not. So the minister is caught between a rock and a hard place. He puts out numbers, makes a claim but cannot verify it. The drop of 2,232 on the outcome for 2003-04, I think, is appalling. Given that each cost-weighted separation costs, according to the chief executive of Health, approximately $4,000, that makes this drop worth $8.9 million less service.

What is the other claim we have had consistently from this minister? "We are spending more." But we find $8.9 million, just like that, gone. So much for the government's propaganda about the amount of money being poured into hospitals. The question is: does this reduced target mean that $8.9 million has been cut from the department or has it been cut from the hospital and is being soaked up by the department? That is the question. Does this mean that the department continues to soak up immense amounts of money better spent on the clinical side?

We already have the most expensive health system in the country, even more expensive than the Northern Territory. That is a real achievement, when you look at the Northern Territory population, the degree of difficulty that some parts of that community presents and the enormous area that the Northern Territory covers.

Mr Speaker, the second part of the motion notes that the average number of additions per month to the elective surgery waiting list has reduced since 2001. So much for the claim of more activity! We find that the average number of patients added to the waiting list in the year 2000 was 932. In 2001, when this government takes over, it drops to 870. In 2002, it is 873. In 2003, it recovers slightly to 882. In 2004, it is up to 895 new patients added to the waiting list per month. If we do the sums, on average, under the previous Liberal government, 913 elective surgery patients were added to the waiting list each month. Under Labor, it is 878—35 fewer a month. The number of patients going on the list is fewer than it used to be under the Liberal government. So much for the claim of more throughput!

The minister's excuse, until Monday, when it was suddenly New South Wales' fault for the ever-increasing waiting list, has been that demand has been increasing. He has said consistently that demand is up. It is simply not true. You have heard the monthly averages. In the calendar year 2000, there were 8,562 additions to the waiting list. In the calendar year 2004, four years later, there are only 8,471 additions to the waiting list. In between times, it has dropped to as low as 7,755 in the year 2002, when the Labor health reforms commenced. These figures put the lie to the excuse. Demand has not increased. It has reduced over the last few years and it is only just beginning to now creep up to the 2000 levels.

Mr Speaker, the next part of the motion relates to the actual amounts of surgery that are being performed in the ACT. For as long as we have been hearing Mr Corbell complain about the fallacious increase in demand, we have also been hearing about how there are more surgery and more operations going on than ever before. It is another false claim. The patient activity data sets put the lie to that claim.

Let us start with Calvary Hospital. Page 3 of their patient activity data set tells us:

> For the year to date—

that is, the 7 months to January 2005—

> 13 per cent less elective surgery has occurred at the Calvary Hospital.

As an interesting aside, endoscopy is also down, but only by 2 per cent. Mr Corbell says, "There is more surgery." What does the data say, the official data from the hospital, say, at Calvary? It is 13 per cent less. Moving to the Calvary Hospital table one, "Hospital Summary—Patient Activity", in the January 2005 figures, we see that, under section 5 "surgical operations", the main theatre is down 4.9 per cent and endoscopies are down an astonishing 24 per cent. Because of anomalies there, they actually don't reveal the elective surgery data. Perhaps the minister would like to get them to adjust their reporting. These are not specific figures to elective surgery. But if you look at the

increase in emergency admissions, I think you can be pretty sure that any reduction in theatre work is elective surgery, not emergency surgery.

It is also worth noting from this report that admissions at the Canberra Hospital are down 11.3 per cent year to date. So much for the hordes rushing us from New South Wales. As you would expect when admissions are down, total separations are also down. And they are down 10.7 per cent year to date. So the number of people going on the list is down, the amount of surgery is down and the admissions are down. Yet, apparently, we are doing more surgery. Whom are we doing it to? And where are we doing it? If it is not being done at the Calvary Hospital and if it is not being done at the Canberra Hospital and patients are not being admitted for it to be done and patients names are not going on the list for it to be done, where are these mythical patients who are receiving this additional surgery? There it is: there is less surgery being performed in the ACT.

This is further supported when we go back to the waiting list data and look at the monthly averages for patients removed from the list after admissions. And you can actually see that fewer patients are coming off the list. Patients are treated, that is, patients are removed from the list after admission. The Liberal Party average for the period they were in office was 704 patients treated and removed from the list. The Labor average is only 670, after three years of Labor Party reform. With all this additional money that has gone into the system, we are actually treating fewer patients. And it is down by 34 patients a month, which is pretty consistent with the 35 that are not being added.

What we see, Mr Speaker, is that, in the year 2002, it dropped to as low as 646 patients a month being looked at. It recovered a little in 2003, to 658. It is up a little, at 706, in 2004. But it is nowhere near the level we were doing in 2000, which was 714. And the averages also show that there is less surgery being done. So, Mr Corbell: if more surgery is being done, where is it being performed and whom is it being performed on?

The next part of the motion looks at the actual length of the waiting lists themselves. There were 5,035 people waiting for elective surgery as at the end of January. The waiting list has never been this high. Indeed when Labor last left office, in 1995, the waiting list was at 4,560. When we left office in 2001, it was down to 3,488. The waiting list is now at 5,035, an all time high, a personal best for Mr Corbell. It is the worst waiting list numbers in the history of self-government and it is this minister's responsibility.

I acknowledge that there is always a seasonal jump in January, but the lists tend to finish the year ahead of where they had started. If this year follows the trend, we can expect the waiting list to be about 5,300 by year's end. We know that February was not good for the minister because we had that terrible email directing staff to come back from their tea breaks. We had that awful email that they should skip their meal breaks. And we had the denial by the executive to let the hospital go on bypass when it was recommended by the clinicians.

Mr Speaker, how is this all possible? How can we have the record level of people waiting if, as the minister has said, more people than ever are accessing elective surgery? The short answer is that it is not possible. Demand is static but levels of surgery are dropping. Just about every measure available on the performance of our hospital points

to a decline. Yet there is well over half a billion dollars being spent in our health system this year. Where has it all gone? What are we getting for this money? What we are getting is fewer surgeries. What we are getting is longer wait lists and longer wait times. What we are getting is reduced targets for cost-weighted separations.

The public accounts committee, in its hearing into the supplementary appropriation bill, has asked questions about how the money is actually spent—clinical versus administration—and I look forward to seeing the answers. But I am prepared to bet that there has been a substantial increase in the cost of administration.

The case I have presented today shows that, no matter what measure you use, it indicates that the health system is costing more and delivering less. It is costing more and delivering less because the government and the health minister are not competent to run it. That is why the motion concludes by censuring the minister for his comprehensive mishandling of the health portfolio.

There is not an arm of health that is not untouched by Mr Corbell's mismanagement. Even the Canberran of the year, Claire Holland House, suffers from a lack of government commitment.

Oncology patients are forced to travel interstate for treatment. And we know that in recent years Wagga—good old Wagga Wagga—has been able to set up its own oncology treatment facility, staff it with the specialists that are required; yet this minister, because of what he has done to the health system, is unable to attract those specialists to the ACT.

So what have we got? We have got waiting lists and waiting times at record levels. We have got fewer admissions. We have got fewer separations. We are getting fewer surgeries. Whichever way you look at it, Mr Speaker, the system is in trouble. And for that the minister must be held accountable by being censured today. I commend the motion to the Assembly.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.48): Mr Smyth's difficulty with this censure motion is based on the assertion he made in his first sentence, and that is that there are lies, damn lies and health statistics. And it is regrettable that this becomes a debate about statistics, but Mr Smyth has entered into it; so I will respond accordingly.

Mr Smyth fails in making his assertions around what he believes are failures in my personal administration of the health system in seeking to censure me today. What he fails to outline is the context within which all of these figures are based and he fails to identify how those figures relate to what is happening on the ground. And I am going to work through each of Mr Smyth's figures and address those.

First of all, he asserts that the inpatient cost-weighted separations target for 2004-05 is down 2,023 on the 2003-04 results. What he fails to acknowledge in saying this is that the way many of these occasions of service have been delivered has changed and, therefore, they are measured differently. It does not mean that they are not happy; it does not mean that they are not being delivered to people; but the way they are being measured has changed. But Mr Smyth makes the fatal assumption that, if it does not show up in the statistics in the way that he reads them, it is not happening. And what the

problem is with that is that it is just a failing to acknowledge what is occurring on the ground.

Mr Speaker, our hospitals will provide more than 400,000 services this year across inpatient, outpatient and emergency department services. The mix of the way these services are delivered will continue to change. So you can no longer look at the provision of health services by focusing on a single type of service response. Mr Smyth cannot look at what is happening in inpatient services without looking at what is happening equally in outpatient services. And he fails continually to do that. The transfer of services from inpatient to outpatient setting is almost directly responsible for the decrease in the estimated inpatient throughput. It does not mean they are not happening. What it does mean is that they are being delivered differently. I would like to provide some figures for members to look at in this context. The outpatient target for 2004-05 is 235,000 occasions of service. In 2003-04, the target was 225,000 occasions of service, and the outcome in 2003-04 was 242,000 occasions of service.

Two things have occurred to change where we are at with inpatient services. The first is a direct shift of activity in gastroenterology from inpatient to outpatient services. That shift has resulted in all of those occasional services now being recognised as outpatient activity. What has also occurred is that medical oncology services are now only being counted as outpatient occasions of service, whereas previously—and it has been the case ever since we have had a medical oncology service—medical oncology services were being counted twice, as both outpatient and inpatient occasions of service. They are now only being recorded once, as they should have been from the beginning. And that has resulted in a relatively static level of outpatient activity, whilst still seeing a decrease in the level of inpatient activity. It does not mean the services are not being provided. It does not mean that people are not getting these things on the ground. It does not mean that we are spending more and getting less. It just means that the way they are being measured and recorded has been changed.

But if Mr Smyth is so concerned about outpatient occasions of service to back up his argument that my assertion that the decline in inpatient is because of the shift to outpatient, let me put this to him: for the first six months of this financial year, we are over target in the delivery of outpatient services; we are 3 per cent over target. And I am advised that, by the end of this financial year, we will certainly exceed our target for this financial year.

Mr Speaker, who is right? Mr Smyth's assertion that outpatients are down but inpatients are also down? Or do the facts and the activity on the ground actually speak for themselves? I think it is the latter. If we are 3 per cent ahead of target in outpatient occasions of service six months into the financial year, surely that would demonstrate that there is more activity happening in outpatients because of a shift from inpatient to outpatient. Mr Smyth, though, is not interested in hearing some of that argument.

Notwithstanding all of this, it is important to note that, at the end of January 2005, both hospitals report activity at 4 per cent above their targets for the first seven months of 2004-05 for inpatient activity also. So we are ahead of target. This is the bottom line: we are ahead of target for outpatient occasions of service. We are ahead of target for inpatient occasions of service. So how can Mr Smyth claim that we are spending more and getting less? How can he claim that, when we are ahead of target for both inpatient

and outpatient occasions of service? It is an absurd claim, but it shows how Mr Smyth will read into the figures what he wants to read into them so that he can make the political point.

Mr Smyth also makes argument around the average number of additions per month to the elective surgery waiting list being reduced since 2001. The number of people added to the elective surgery waiting list in 2001-02 was 10,205, an average of 850 people per month. In 2002-03, the total number added to the list was 9,849, an average of 820 per month. In 2003-04, the last full financial year, the total number of people added to the list was 10,911, an average of 910 people per month. The total number added to the list this financial year to the end of January was 6,091. This is the largest number added to the list for the same period in each of the previous three financial years. The total to January 2005 was about 60 more than the figure to January 2004, and the year-to-date figure for 31 January 2005 is more than 700 more than 2002-03.

Mr Smyth's claim that there are fewer people, on average, being added to the list under this government than under the previous government is not supported, I believe, when you see those figures. Those are the figures and what is happening on the ground. Again Mr Smyth is proven wrong. Again Mr Smyth reads into the figures what he wants to read into them to make the political point. But he does not see what is actually happening on the ground and he is not interested in seeing it because it does not back up his argument.

So what I have been able to demonstrate so far this morning is this: we are ahead of target in delivering our inpatient occasions of service. We are ahead of target in delivering our outpatient occasions of service. And the number of people being added to the list has gone up. How can Mr Smyth claim, in those circumstances, that the system is costing more and we are getting less? It simply does not add up.

Mr Speaker, the amount of elective surgery at Calvary Hospital is down 13 per cent in 2003-04, according to Mr Smyth's motion. First of all, activity is down 11 per cent, not 13 per cent, not 14 per cent. At the end of January 2004, just over 2,200 people had access to elective surgery at Calvary. To the end of January 2005, this figure was 2,024, that is, a drop of 255 people, or 11 per cent. The total number of people accessing elective surgery at Calvary to the end of January 2005 is, though, the second highest number on record. The highest number on record was in 2003-04, under the Labor government. The highest ever level of elective surgery at Calvary was under a Labor government.

The reason why the number is below the total for 2003-04 has been previously explained, and I will outline it again. In 2003-04, Calvary received an additional $2 million in recurrent funding from the budget in recognition of the need to improve access to surgery. Those dollars came in at a particular point in the year, and it meant that we saw an increase in the total number of surgeries happening for that particular period. Also, those figures were reported in the following financial year. So it flowed through. As I have indicated, the last two years have recorded the biggest numbers of people accessing elective surgery in the ACT's history.

I would like to outline what we are doing for 2003-04. In 2003-04 Calvary provided almost 400 additional surgical cost-weights to compensate for underactivity in 2002-03. The additional activity was, by its nature, a one-off situation. This additional input

enabled us to provide an additional 900 operations in 2003-04, 50 per cent more than was initially predicted. That is why that figure for 2003-04 is higher than the one for 2004-05. It is a one-off figure. We added a further one million in 2004-05 to partly compensate for the end to the additional one-off funding sources. This funding will provide an additional 50 joint procedures at Calvary this year and 150 more eye operations.

Mr Smyth's assertions are simply wrong. Inpatient activity is up. Outpatient activity is up. Number of additions to the list is up. And by "up", I mean inpatient activity is ahead of target. Outpatient activity is ahead of target. And number of additions to the list is higher than it has been previously. You cannot make the claim that we are spending more and getting less when you look at those figures objectively.

Mr Smyth makes the assertion that the amount of surgery at the Canberra Hospital is down 7 per cent. If you look at the total surgical line, that is, if you look at it completely in isolation and out of context, then certainly that is the case. However, the table shows that surgical activity at the Canberra Hospital, excluding gastroenterology, actually reported an increase of 0.4 per cent in the number of separations to January 2005 compared to the same period in 2003-04. The reduction in total separations is due to changes in the counting of some gastroenterology patients. Gastroenterology inpatient services are down 30 per cent, or 534 separations, not because we are providing fewer services, Mr Smyth, but because we now able to provide a number of these services in an outpatient rather than in an inpatient setting. So that explains that.

Finally, Mr Speaker, I would like to talk about the total number of people on the list. The total number of people on the list is now just over 5,000. That is a matter of concern to the government. We will continue to work hard to improve this situation. Between now and 2008, we will deliver over an extra $12 million for elective surgery activity. From when we were first elected until now, we have added at least an additional $4 million in terms of elective surgery activity. We are seeing a 60 per cent growth in admissions in the Canberra Hospital and Calvary Hospital since the 1990s, largely due to an ageing population, reduced community access to general practitioners and rapid advances in medical technology.

But you cannot assert that we are doing more and getting less. We are doing more, and more people are coming forward for treatment. That is the challenge we have got. There are no simple or glib answers and this censure, Mr Speaker, is simply an exercise in political point scoring.

MR SPEAKER: The minister's time has expired.

MR STEFANIAK (Ginninderra) (11.03): I find it amazing that the minister can claim—and I throw back at him his comment—that you can do anything with figures. You certainly can, but there are some absolute, basic facts here. We are spending more and getting less. Mr Smyth has outlined a number of figures—I will add a few more—which show that that is the case. This government's health budget has risen, I think, approximately 30 per cent from when it got in. And all you have to do is ask the public how they feel about it. Ask the public; ask the people who actually use the hospitals; ask the doctors there; ask the nurses. They are the ones who will tell you that there are huge areas of concern here.

I have also seen some figures—we all do polling major; political parties do; the paper occasionally does—and I do not think you have to be Einstein to see that the greatest single area of concern in the ACT is in relation to the health system. And the greatest single area of concern with this government is the way it has handled the health system. It is first by a country mile in terms of things that really concern the average person in the community.

I will give some figures now. Point (b) in Mr Smyth's motion states that the average number of admissions per month to the elective surgery waiting list has reduced since 2001. The minister can go into every possible contortion he wants to, but the clear facts have been set out in the yearly figures for new patients added to the waiting lists. If we look at the additions, as a monthly average, we see a number of things. For the patients listed, that is, new patients added to the waiting list, the average for 2004 at Canberra Hospital was 494; at Calvary, it was 401; a total of 895. For 2003, it was 461 at Canberra Hospital; at Calvary, 402. For 2002, it was 472 at Canberra Hospital; 401 at Calvary. In 2001, it was 531 at Canberra Hospital; 339 at Calvary. In 2000, it was 544 at Canberra Hospital; 389 at Calvary. The total under Labor averaged out at 477 at Canberra Hospital; and, at Calvary, 396. Under the Liberals it was 544 and 369.

There is a difference there. Under Labor it is an average of 878; under the previous Liberal government, 913. This bears out the point Mr Smyth has been making perfectly. The average number of additions per month to the elective surgery waiting list has in fact reduced since 2001—not by a lot. I think Mr Smyth actually had the good grace to say it was static. It is a bit worse than static; it has actually reduced by a number. That, I think, is a very, very telling point, and the minister can try to explain that away as best he can but he has a problem.

Similarly, when you look at the average number of patients treated over that same period, at both the Canberra Hospital and Calvary Hospital, it is, under Labor, 670 since they have been in, over the term of the government to date; and, under the previous Liberal government, 704. Again, more patients were treated under the Liberals than Labor. So again I think that just makes very much a mockery of what Mr Corbell has been saying.

Then you look at some of the figures, some of the more recent problems we have had with the system—the oncology clinic, the cancer clinic at Calvary Hospital. I understand that clinic—and it should concern any member who represents anyone on the north side—is no longer seeing new patients. They are being transferred to Woden. I also understand from staff there that there is some concern that Woden may not have the necessary ability and resources to actually treat those patients to the standard that they were treated. I think, largely, it is a resourcing problem. It seems there that the aim is actually to dispense with that clinic after the current batch of patients is finally treated at Calvary. For members' information, that clinic does such things as chemotherapy treatment and the like. So that is just a recent example of a cutback in services

We have a budget that has gone up over 30 per cent. Where is the money going? We heard a story today in the *Canberra Times* of an elderly gentleman who had about six attempts to have an operation on his lungs actually cancelled. Unfortunately when it

finally did happen, apparently there were some complications with that. Six times—where is the quality in his life there? That is just dreadful. That is a real problem.

Of course only a few weeks ago we had the fellow who turned up with his sleeping bag at A&E—a very practical man; he certainly was going to spend a lot of time there. I hear they are calling him "sleeping bag". There are a lot of people out there calling the minister "sleeping bag Simon". The time it actually takes to fix up people in A&E is really quite disturbing. It is now, on average, eight hours. I think it has been eight hours or so since 2003.

I just jotted down a few notes here, while I was listening to the minister, in terms of my personal experience in relation to people going to A&E. It invariably was around about two hours until and including 1999. I know that from having young kids and from coaching a number of football teams and taking injured players there. There were a couple of incidents in 1989, with injured players: two hours. That was on a Saturday. In 1992, on a Thursday, after training, I took a big fellow called Falamani Mafi there. He was playing in the second row for me. He had a dislocated finger: two hours. I took my little girl to hospital mid-week in 1999: 2½ hours. In 2003, on a couple of occasions, I had players go to hospital: eight hours on each occasion.

Compare that even with a basic hospital. I had experience at Wollongong Hospital over the Christmas break, again with my little girl who was transferred from Bulli to the Wollongong Hospital. She was seen in virtually next to no time and actually was put in overnight for some tests and observations. If they can do it, why can't we?

I have mentioned before in this place but it bears repeating because this is also unconscionable—and I am not blaming the doctors or nurses; they work under extreme difficulties as a result of, I think, the incompetence of this government—that, at Easter last year, an 85-year-old woman from Holder fell over and broke her arm. Friday, at 9.00 pm, Easter, in she goes. She was finally, I think, treated on the Tuesday and discharged at about 3.30. She was kept there; she was not able, of course, to go home, with an injury like that. She was pretty discouraged about the whole thing. She said; "At least the bruising has gone down." But 3¾ days for an elderly woman to be seen and treated for a broken arm indicates a very, very real problem in our health system. And at the end of the day, the buck stops with the minister.

Mr Speaker, the nurses, the staff, the doctors do work very long hours there. I regularly hear of nurses doing double shifts, being called on to come back and do a double shift or come in on their days off, simply to keep the system ticking over. It is very draining and very hard for anyone who is working 14 or 15 hours to really be able to focus on the job, despite the dedication these people actually show to the job. Similarly, of course, doctors often work equally lengthy periods of time. The ones I have spoken to have some real concerns about the system and just the pressure it is actually placing on staff.

That is, I think, very much an indictment of the minister, as are the elective surgery waiting lists. As we have shown, the numbers of people going onto them are actually slightly decreasing; they are not rising. If they were rising, it might be a good reason, but they are slightly decreasing. The number of people on the elective surgery waiting lists is now—congratulations, minister—I understand, a record 5,035 people. What on earth are you doing in relation to our health system? It is a significant problem indeed.

When one looks at the health performance report for the December quarter 2004-2005, it shows: for category 1, percentage of patients in ED seen within the standard timeframes, target of 100 per cent. Yes, it was 100 per cent for December. For category 2, 80 per cent was the target. For the December quarter it was 74 per cent. For category 3, the target was 75 per cent. It was 47 per cent. Similarly, for category 4, the target was 75 per cent. It was 46 per cent. For category 5, not too bad, the target was 85 per cent. It was 84 per cent. Especially when you look at category 3 and category 4, that is a huge discrepancy on the target. It just shows a system in crisis and a minister who is just not handling it properly and who deserves to be censured.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.13): This is simple base politics. It is an irrelevance and a misuse, I think, of the time of the Assembly to be seeking to censure a minister in the circumstances that the Liberal Party is here. It is nothing but the cheapest expression of political opportunism that you would expect to see of a grovelling, grasping and struggling opposition—an opposition that was trounced in an election, an opposition that is desperately seeking to establish some credibility within the community, after the worst defeat imaginable just five months ago, an opposition that campaigned on the basis of "vote as if your life depended on it".

As I previously said: the motto of the Liberal Party in October last year was "vote as if your life depends on it". And, goodness me, Mr Speaker, didn't the people of Canberra respond to that invitation: "vote as if your life depends on it". They certainly did; they voted for a government they knew they could trust. They voted for a Minister for Health they knew they could trust to continue to provide to the people of Canberra the best health system in Australia. The sad part about the cheap political opportunism inherent in this debate is that it is about an opposition, a Liberal Party, that has absolutely no credibility—

Opposition members interjecting—

MR SPEAKER: I order the members of the opposition to cease their interjections. Everybody to this point has sat reasonably quietly and listened to the debate.

MR STANHOPE: It is an opposition that is struggling for credibility, for credence, for any respect in the minds and the hearts, and certainly in the voting hand, of the people of Canberra. They were abandoned in legion on that wonderful election day motto of "vote as if your life depends on it"—and how that came home, and how we see it reflected in the views and the minds of the people of Canberra, their attitude and their understanding of just how incompetent the opposition are and how undeserving they are of government.

What did the people of Canberra do? They returned majority government to the Labor Party—first time ever. The people of Canberra knew what they were doing. They were awake to the opposition. They knew the opposition was incompetent and undeserving of government. They invested in us their confidence, to the extent that they accorded us that enormous honour of majority government for the first time since self-government has been vested in the people of the Australian Capital Territory. They did it on the basis of our record. They did it on the basis of their deep understanding that this was a

government that could be trusted to deliver. This was a government of integrity. This was a government that knew what the priorities of this community were, and are.

We know what the major priorities of this community are. We say it all the time. We acknowledge it and we understand it in a deep and refined way, because of our connection to the people of this community. The number one priority is health and the health care system. The number two priority is education and the education system, and there is a range of priorities essentially designed to ensure that we support those major priorities of this community.

Who was the Minister for Health at the time of the last election? Simon Corbell. What was the vote of confidence invested in this government by the people of Canberra, in a way that has never been invested before? It was through majority government, through the largest vote ever to a party within the ACT. This was the highest, most significant vote—the investing of majority government in a party in the ACT for the first time, on the back of a minister that had maintained for the people of Canberra their faith in the essential worth and value of our health system. Who denies for one minute that the number one issue at the last election was health? Nobody. The number one issue in the minds of the people of Canberra was health.

Who can forget the $200,000, or more, that the Liberal Party spent in the last five days of the campaign on an advertising campaign around health and the delivery of health care? Hundreds of thousands of dollars spent in a desperate, last-week attempt to play down the successes of this government and of this minister in relation to the delivery of quality health care for the people of Canberra. We will not forget it. You tried everything you could, honourably and dishonourably, to undermine the health care system within the ACT, and the people of Canberra did not fall for it—

Mr Smyth: Point of order, Mr Speaker. If the opposition has done something dishonourable, it should be dealt with in a substantive motion. He must withdraw that.

MR SPEAKER: I think Mr Stanhope was drawing attention to the campaign in the context of the debate about a censure motion on the health minister and I think he is entitled to use that sort of language.

MR STANHOPE: And that was the basis of the campaign. You cannot deny this. You cannot reinvent history. You cannot say that to the people of Canberra here today, five months after the election that we won in such an overwhelming way. The people of Canberra invested that singular honour of majority government in us. That was a vote of confidence in this government and in this minister, on the basis of our management of health care at the time of the election and during the last period.

Mrs Dunne: Point of order, Mr Speaker. The subject of the motion today relates to cost-weighted separations being down.

MR STANHOPE: It is a censure motion.

Mrs Dunne: It is about elective surgery. It is about the amount of surgery at Canberra Hospital and Mr Stanhope is talking about the election result. It is about relevance. Mr Stanhope should be addressing the issue of the debate.

MR SPEAKER: Mrs Dunne, resume your seat for a moment. Part 2 of the motion calls for a censure on the Minister for Health and the Minister for Health's performance has been a central part of what the Chief Minister has been saying. So it is entirely relevant.

MR STANHOPE: And that is the point: let us not forget what this is about. I must say, Mr Speaker, we understand how seriously the opposition takes this motion: they had it listed as number four on the order of business! They did not have the confidence in their own motion to actually bring it in as the order of business. We know the convention of this place. A censure motion is a very serious matter, second only to a vote of no confidence. There is nothing more serious that occurs on the floor of this place, after a motion of no confidence, than a censure motion. But you regard this with such frivolity, with such seriousness that you allow it to appear down the page—item number four. That is how important and how serious you regard it to be.

Mrs Dunne: You did us a favour by bringing it forward because I couldn't get it past—

MR SPEAKER: Mrs Dunne, I warn you.

MR STANHOPE: That is the belief that this mob has in this motion. They do not even believe it themselves. They were not prepared to come in here and stand up and move a suspension of standing orders to allow them to move this serious motion of censure and their response to it. Mrs Dunne stands up and moves a point of order: "He is defending the performance of the Minister for Health. How dare he. We are talking about waiting lists. We do not want to talk about censure. We do not want to talk about his record. We do not want to talk about the fact that at the last election, five months ago, the number one issue in the minds of the people of Canberra when they went to the ballot box and voted was health". Who was the Minister for Health? Simon Corbell was the Minister for Health.

Who ran a major campaign over the last week of the election campaign devoted to undermining health care delivery in the ACT and attacking the Minister for Health? The Liberal Party did. And what did the people of Canberra say to you? They said, "Go away. You are not wanted. You are not competent; you cannot deliver and you are not to be trusted." And what did they say to us? They said, "On the basis of your record, we would like you to have majority government for the first time ever." They said, "We will vote for you, to the extent we have never before voted for a party seeking government in the ACT." They also said, "We understand the strains and the pressures on health. We understand you have delivered. We understand that you have devoted an additional $160 million to health care. We understand that you have tried and attempted to catch up with the enormous gaps that were left for you, and we understand that delivering a health care system to the people of Canberra is not just about the waiting list. It is about mental health care and it is about your devotion to that." It is about our commitment to every other aspect of health care across the spectrum.

This is not appropriate in a circumstance where, since the early 1990s, the number of occasions of service at our public hospitals has increased by 60 per cent. Our performance at the hospitals is quite remarkable to the extent that we have been able to keep up with demand. There has been a 60 per cent increase over the last 15 years in occasions of service at our public hospitals. I think, in the context of that, in the context

of growth, and in the way in which the nature of the delivery of medicine has changed, the minister's response to these issues has been nothing less than remarkable.

DR FOSKEY (Molonglo) (11.23): From the speeches today, it is clear that our health system is of grave concern to both Liberal and Labor members of this house. It is also of great importance to the Greens. I am yet to be convinced as to how a censure motion will improve our health system. In my opinion, such a motion should not be moved lightly or used to score political points. However, I do believe that we should be discussing hospitals and other health issues in the Assembly, but let us try to be constructive.

As the ACT Greens member of this Legislative Assembly I support the Greens' policy, which takes a holistic approach to health. We see health as more than rates of surgery—however they are measured. There are significant issues in our health system and there is much scope for improvement. However, citing these figures really does not give us an idea of whether or not our health system is meeting the needs of our community. Nor do they really give an indication about how the minister is managing the health portfolio. These statistics do not give us any idea of the health of our community. For example, are we having more or less surgical mistakes? How do we measure quality in our services?

These statistics focus on acute health, which is mostly the back end of the system. Of course, we need a responsive acute health component of our health system but most of these statistics relate to elective surgery. The question then needs to be asked: what is included in the category of elective surgery? Are some procedures that are deemed elective really procedures that should be carried out but can be delayed and are therefore called elective? This is information that we do not get from these statistics. This then could be used to make the case that the situation is even worse, but does that then make it the fault of the health minister? That case is certainly not made in this motion that is before us.

These statistics are not multi-dimensional. They do not take into account safety and quality, as I have said. They do not take into account the work force available to undertake the procedures. They do not take into account the interaction with the private health sector and whether this sector is doing less surgery or whether it is doing simpler surgery. The Greens advocate the need for a health system that focuses on health and wholeness rather than disease or injury management alone. We have a holistic approach to health, as our policy states:

1. all people in the ACT should have access to services which will enable them to fulfil their individual potential for mental, social and physical well-being;
2. individual and community health is based on many factors, including a safe, clean environment, adequate income, food and housing, physical activity and a balanced life;
3. government should provide the conditions for a healthy community along with equitable access to a complete range of health services.

It must be admitted that some of the problems facing the ACT health system are due to factors that are out of the control of any ACT health minister, but this does not relieve the government of the responsibility to provide a quality health system. We do however have to take into account the role of the Australian government. It has, through the rebate for private health insurance, transferred precious money and resources from the public system to the private system. We need to remember that this impacts on the resources

available to the public health system and by resources we mean the health work force that performs or supports, among other things, the procedures listed in this motion.

We also need to take into account that Canberra has a role in the region, and decisions made in NSW have an impact on how many people choose to come to Canberra for their health care, including for surgical procedures. We have to acknowledge that Canberra Hospital plays a vital role in providing services to a very large region, since it provides the most sophisticated medical services in the region. All of that said, I believe the ACT government could do more to improve our health system. Some examples include more support for multidisciplinary community health centres, which may include a GP; improving primary health care in the ACT and the surrounding region and, in the longer term, help reduce the need for surgery and a greater emphasis on a whole-of-government approach to health.

To this end, the ACT Greens support the cross-departmental approach to health and regular cross-agency health forums involving senior officials from relevant government departments and agencies and community sector representatives. The ACT Greens believe there should be a balance between health promotion, illness prevention, treatment and rehabilitation and that these funding allocations should be legislated. It must be mentioned here that our services to people with a mental illness are wanting, by anyone's measure.

Finally, I want to reinforce my comment that citing these statistics is not enough to arrive at the conclusion that the minister has mishandled the health portfolio. Proof of comprehensive mishandling would require a comprehensive, can we say, holistic view of health and not a narrow look at some surgery. A comprehensive view of health would require a very careful choice, collection and analysis of statistics, used sparingly to help tell the story. I appreciate the analysis Mr Smyth has made of the statistics and note that my own office does not have the resources to do this work. We regret we have not had the time to contact health consumers to hear their perspective, noting that, while individual people may have spoken out through the media, the voices of health consumer groups might provide a more measured evaluation.

After hearing the speeches, I would like to do some of my own work to make a judgment one way or the other. I think the health of the ACT community is too important to be used as a political tool. I am wondering if the Libs would see it as in their interests to admit that we ever had a perfect health system—and I am not saying that we do, by the way. I am saying that in this case I see these arguments as political, rather than necessarily based on the concern of the health consumers. In the end, we know the government has the numbers to turn this motion into one that says the opposite of the one that has been put forward and I feel fairly sure that at the very least it will go down. However, this should never, ever be a reason not to raise important matters. I want to make the point that such matters should always be put here in order that we can discuss them—hopefully, constructively.

Just for the record, I indicate here—and I suspect people will already have guessed—that I am going to vote against the motion. That is primarily because I do not believe this should be couched in a motion of censure, but I would like all the qualifications that I mentioned above to be noted by everyone in this house.

MRS BURKE (Molonglo) (11.31): Mr Speaker, this is a grave and serious matter that we are debating in this place today. What theatre there was from the Chief Minister, yet again! But what did he actually say about the motion? Not a lot. I am sure he might be feeling a little uncomfortable today, but we will leave that there.

Minister, at the heart of this debate is the fact that, if the budget has gone up some 25 to 30 per cent, why isn't the community seeing or receiving the benefits? Why is the health system still the number one area of concern? The Chief Minister has said that himself. You were the government; you were the minister, according to the Chief Minister, who was going to fix that. What is happening? This is the critical issue here. Are we paying more and still getting less? Are we talking about core financial management and lack of leadership by a minister? What a shame the Chief Minister had to grovel at the bottom of the barrel, once again. Of course, this is a typical ploy by the Chief Minister to try and play down this serious issue.

Mr Corbell asserted that Mr Smyth was playing politics. Mr Corbell, I assert that you are playing with people's lives. You said it was regrettable, or words to that effect, that this debate is around statistics. It is regrettable that once again, no matter how you try to use the numbers as a smokescreen, you are ignoring the majority view of the community about what is really happening in our health system. This is borne out by the number of complaints sent to the Liberal opposition, to the media and no doubt to the minister's office. We have heard, once again, the minister is playing with the figures—to hide what is really going on, I suspect.

This motion today is about the minister's ability to manage the health portfolio. Is the minister running the department or are they running him? As Mr Smyth said, "Is this the true state of the health system?" We all know we can use statistics any way we want to. However, we cannot ignore the numbers of people in our community who are totally dissatisfied with the level of service. Only on Sunday, we saw another person having to go interstate, to Wollongong. It is fortunate that she has family there.

I think we need to take a long hard look at why people are dissatisfied with the health system and the level of service that they do not seem to be receiving. Are they all lying, Minister? Are they all not truthful? We are once again spending more and getting less. Where is the money going? I have asked the minister questions regarding breast screening and have not received satisfactory answers. This really is not coming from me: it is according to the feedback received from the people directly involved, who testify to the fact that Mr Corbell is wrong.

Who can the Canberra community believe: Mr Corbell's figures and statistics or what they really know, that the system is letting them down? As his defence, Mr Corbell continually rolls out the statistics that there is increased activity. But why are the community and the media not telling us that that is the case? Mr Smyth rightly said that people are going interstate for treatment. I have read about one case and we know of another one going to Wagga. I pose the question: are we, as the nation's capital, causing the community to go private—I suspect some people are forcing themselves to pay to go private—or go interstate or, worse still, sit and suffer?

Whilst it is a positive step to provide funding for projects such as the riding education program for a women's motorcycle club, I do get concerned that some elements of financial management displayed by this government indicate that priorities in the allocation of funds need to be looked at in detail. I see the Treasurer beaming across the chamber there, and obviously he will have something to say about that. No doubt there are programs within the community that need encouragement, but is it not more crucial to look at the funding and logistical needs of, for example, breast cancer screening in the ACT as a higher priority, given that, if skin cancer is excluded, breast cancer is the most common form of cancer in women?

According to the Australian Institute of Health and Welfare "managing breast cancer remains one of the major public health concerns among health professionals, policy makers and Australians in general." It is also of great concern that, if we consider the incidence rate and mortality rate, the ACT has a higher rate of breast cancer incidences and mortality rate per capita in comparison with the rest of Australia. Surely, if I know that, and the minister would have far more information at his fingertips, why are we not making allowances? Why are we not covering the bases? If we know these things are occurring, why are we not putting the money in the right places? What is going on?

Breast cancer screening units in the ACT require further political support and the will of the minister to resource them adequately. The minister's response in question time was that turnaround times for screening appointments was, at that point in time, three weeks. But my question concerning the Breast Cancer Australia Network was about the delay in breast cancer screening, and that in some cases patients were waiting up to six weeks to receive results. Are these patients lying? Are they wrong? I am just confused here, Minister. Perhaps you can shed some more light on it, which I am sure you will. They were not indicating a concern about appointment scheduling but, rather, the delay in receiving results back on their screening. Let us not forget that one of the reported cases was of an aggressive form of cancer. It is this concern that goes to the heart of the matter. These women are waiting to be told whether or not they have breast cancer and require further treatment. This raises the distinct concern about how these women are coping with the down time in waiting for results and how they are being assisted through this period. That is the other question one might ask.

Is it of concern to the minister that the period of waiting for definitive results on whether a client receiving breast screen services may impact upon how quickly any form of surgery could assist in treating possible life-threatening aggressive cancers? After question time the other day, I provided the minister with details of a case that is of concern to me. It was a specific example of the delay in identifying a case of an aggressive breast cancer and the need to see this person admitted for surgery. Given that this person has identified that a history of breast cancer exists in her family, should not such information be given more credence and further consideration be given to the case?

The minister must admit that there are failings in the system of screening, of referral and, ultimately, of scheduling for those who require surgery to remove aggressive cancers. The minister did say that it was "a staffing problem" but, if Wagga can do it, if Wollongong can do it, why not Canberra? I find it appalling that this woman, given the heightened nature of her case, was not given her results much sooner. The delays all seem to revolve around the lack of staff, from radiologists who read the mammograms to

breast cancer nurses who are at the forefront of women's screening, supporting clients and scheduling appointments.

The government needs to refocus. In 2001-02 the target for breast screening was 20,000 but only 16,675 tests were conducted. But that is a great outcome in comparison to 2002-03 where the target for breast screening was 12,900 but only 11,327 tests were conducted. These are the government's own figures: we can all talk figures. We need to focus right now on the cost of human life, not just on the people on waiting lists or on the people waiting to get results back, but on the impact that this is having on the families and extended families.

The health minister has said publicly that the breast screening program was a preventative program. Isn't early detection the key focus of a preventative program, Minister? Why, then, isn't the minister acting with haste to fix the problem to ensure early detection does occur? The dedicated staff working in this area are doing the best they can with the limited resources. It is time for the minister to show some leadership and provide further support for an area of the health system that clearly needs further resources to conduct its good work. It is about time, Minister, that the dog wagged the tail, not the tail wagged the dog. You need to believe in your department. You need to make sure that the money is going where it is needed. When it comes to the prevention and treatment of breast cancer, the minister is failing the women of Canberra by inadequate resourcing of services that ultimately save lives. I will be supporting this motion.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.41): In keeping with the theme that started at the beginning of this debate, let me say: lies, damned lies, statistics and Brendan Smyth. I guess it is the case for a lot of people that, when you first come into this place and this process, one of the surprising elements here is the political spin. I came into the place in the heady days of the blousy Kate Carnell—and to discount that, that was Kate's style. But behind that there was, I think, a more insidious form of spin that usually flowed from the office of Gary Humphries. In fact I introduced into the lexicon, the phrase; "I've been Gary-ed" which had some currency for a couple of years because we all recognised the propensity of Mr Humphries to verbal people.

In that time, we have seen the generation change. I remember Mr Smyth on this side of the house. I lost count of the number of corrections he had to make to previous claims he had made on the record but I think, if we went through Hansard to see how many times he has had to stand up and correct what he had previously said, we would find that he holds the record in this joint. I also recall that a number of total and deliberate misinterpretations of my own utterances have come out of Mr Smyth's office as centrepieces for press releases that have generally been childish and puerile. In most cases the media did not take them up. But I think the context of this and the other equally stupid motions that come before us give the house an indication of the style that we are dealing with: the belief that this is clever politics.

I refer to Mr Stefaniak's speech when he talked about taking footy players into emergency years ago and having them turned around in a couple of hours, and about how

things have changed. About a fortnight ago, standing in the pub, which is a rare occasion for me, of course!

Mrs Dunne: Standing, you mean!

MR QUINLAN: Standing—it must have been early in the evening, yes! I was talking to an old mate who said to me; "Listen, tell whoever's in charge of that hospital that when I took my wife—she suffers from dementia and had had a fall—into that place, the service I got was exemplary." I have to confess, I said, "Les, don't tell me, write a letter to the editor." Whether that might have been tilting the system I am not sure but I did rather think it warranted mentioning. I do not know whether he has written that letter.

In terms of the numbers that have been bandied around, and I think Mr Corbell has pretty effectively addressed those, I want to refer to one that, again, typifies the debate and typifies the thinking behind the motion. The number of NSW patients on our waiting list has increased by 40 per cent. Mr Smyth dismisses that out of hand: "I don't want to hear that number—that number might explain something and it doesn't suit the conclusions I want to draw. I don't want to draw conclusions on facts so I'll dismiss that one." I think that typifies the approach that has been taken in this regard.

Mr Stefaniak also said there has been polling and that health is a primary issue. I am going to refer to some of the things that Mr Stanhope said. The most recent poll I remember was October 2004, where health was an issue, where that mob really pushed it to be. It was not just that they asked people what the main issue was, but also they selected it—"We want to make it the battleground." Then they came up with this ploy to redirect jail funding, capital funding, into the health system, with no operating funds to go with it. That particular exercise before the last election has to go down in history as one of the dumbest moves ever, not only in ACT politics but also in Australian politics. "We are going to take all the money that was going to the jail and we are going to put it into health bricks and mortar but we are not going to provide any money to operate within that bricks and mortar." You know why that happened, Mr Speaker? It is a fact that the suggestion was made over the radio by one Crispin Hull, about a day before it became Liberal Party policy, and they were just too thick to see the problem that was in their own stated policy. A fundamental blue, and this was the alternate health message.

Let me say, Mr Smyth, we actually thanked you for that along the way, because I really think that it did help the credibility gap. We have done polling—and I will not go into detail on it but credibility was an issue in the last election as well—and the results are on the board. I think Mrs Burke referred to people ringing the office and public opinion. I am most sceptical when any politician stands up in this place or any other political forum and says, "People are coming up to me in the streets, People are ringing my office." This was the claim that legions of people—

Mrs Burke: Mr Speaker, on point of order. That is a clear imputation by the minister and he should withdraw that. He is calling me a liar, as good as. When I stand up in this place and say that people call my office, they do. He should have to withdraw.

MR SPEAKER: You have no point of order.

Mr Corbell: Put the records on the table.

Mrs Burke: You've got them all.

MR SPEAKER: Order!

MR QUINLAN: There were, as I recall, a number of such claims made before the election—"People are ringing my office. People are coming up to us in the street. We have been out there campaigning and this is what people are saying." As I have said, the results are on the board and what was said at that time? What was claimed before the election was totally inconsistent with what happened on election day. Draw your own conclusion, and we have drawn our conclusions. This is just another nonsense motion by an opposition that are still quite puerile in their political tactics.

I move:

> That the motion be now put.

Mrs Dunne: Mr Speaker, there is a list of people to speak, and you do not have to put that motion.

MR SPEAKER: I have the discretion not to put it, Mrs Dunne, but there have been three speakers on either side and one from the cross-bench, and I think I am entitled to proceed with the debate and put it in the hands—

Mrs Dunne: Mr Speaker, if you persist, I will move dissent from your ruling.

MR SPEAKER: Do not threaten me, Mrs Dunne. I think you had better move it.

Dissent from ruling

MRS DUNNE (Ginninderra) (11.50): Mr Speaker, I seek leave to move dissent from your ruling.

Leave granted.

MRS DUNNE: I move:

> That the Speaker's ruling be dissented from.

Mr Speaker, there is a list of members who wish to speak on this matter. It is a serious matter, probably the second most serious matter than can be brought before the Legislative Assembly. The motion was brought forward with intent to discuss the issues at length. Obviously the government wanted to discuss it. Yesterday I was not able to negotiate to have the matter listed first and the government did us a favour. So they thought that it was important. Now, once a couple of people have had their say, they wish to close the debate down.

This is not how a democracy works. There is a list of people wanting to speak. The standing orders give you discretion, Mr Speaker, but yesterday you declined a motion that the question be put because there were still people wanting to speak. When you gave Mr Quinlan the call, at least two members on this side stood in their places to speak. So

you must have known, Mr Speaker, that there were other people waiting to speak. Knowing that there are members in this place who wish to speak on this important matter, you should act impartially and in spirit of democracy and allow them that latitude.

Yes, it is in your gift, Mr Speaker, but it is appropriate that you act for the benefit of members and, through the members, the people of the ACT. This is a matter of considerable importance and it requires airing. It is on the front page of the *Canberra Times* and in the major news bulletins on a daily basis. It is incumbent on you to allow the full length of debate that is necessary to prosecute these issues.

What we see in the *Canberra Times* and in the major news bulletins is that the Canberra hospital system, the public hospital system, is a basket case. This basket case has been presided over by the Minister for Health.

Mr Quinlan: Point of order.

MR SPEAKER: I think I know what the point of order is. just speak to the motion. If you think there is something wrong with the exercise of my discretion, deal with it in the context of your dissent motion.

MRS DUNNE: The Minister for Health is here, essentially on trial, and you will not let the full course—

MR SPEAKER: I have asked you to deal with the issue of my discretion.

MRS DUNNE: Yes, I am dealing with your discretion.

MR SPEAKER: This is not a debate about the Minister for Health. It is about whether I should exercise this discretion or not. I would ask you to stick to the point of your motion. If you do not, I will order you to sit down.

MRS DUNNE: Mr Speaker, your discretion is actually stifling debate in this place on an important matter, which goes to the administration of the public hospital system in Canberra. By putting the question to the vote at this time, you are stifling debate in a way that is undemocratic and outside the normal practice of this place. That is why I moved dissent from your ruling. The question should not be put at this stage; the debate should run its full course.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.54): Mr Speaker, the government believes you have exercised your discretion most appropriately. You have provided adequate time for debate in this place on a matter that is important to the Canberra community. Indeed, we have had close to an hour and a half of debate in this place. Three members of the opposition, including the Leader of the Opposition and the deputy leader, have spoken to this motion. Equally, from the government side, the Chief Minister, the Deputy Chief Minister and I, as the subject of the motion, have each responded to it comprehensively. Dr Foskey, representing the Greens, the only cross-bench member in this place, has also had an opportunity to speak on the motion.

It would be difficult to argue that there has not been adequate time for debate on the matter and that senior members in this place have not had an opportunity to contribute. Mr Speaker, the government believes that your discretion has been appropriately exercised and that there is certainly no basis for questioning your judgement on this matter. The government will not support the motion. I move:

> That the question be now put.

Question put:

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

The Assembly voted—

Ayes 10		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Question put:

> That **Mrs Dunne's** motion be agreed to

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Question put:

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

The Assembly voted—

Ayes 10		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Question put:

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

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Public Sector Management Amendment Bill 2005

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

Title read by Clerk.

MR SMYTH (Brindabella—Leader of the Opposition) (12.03): I move:

That this bill be agreed to in principle.

The Public Sector Management Amendment Bill arises as a result of what is now commonly known as the Tonkin affair. I recently received advice from the Commissioner for Public Administration that she is not able to provide me with advice on the backdoor approach used by this government to legalise ongoing payments to its most senior public servant without having to end his contract.

It does not sit well with me that we have a Commissioner for Public Administration who is not able to look into matters that go the heart of public administration and, in turn, good governance that are referred to her by an ordinary MLA. Currently, the commission is only able to look into matters that are referred or approved by the Chief Minister. This does not bode well for the open, honest, transparent and accountable government that this government once promised. If the government is to be kept accountable, particularly

for decisions made that affect public administration in the public service, then the Commissioner for Public Administration must be able to look into matters and provide advice to elected members who seek her guidance, and not just the Chief Minister. That is what this bill will achieve.

If this bill is not supported, it will show an unwillingness by the government to ensure honest, open accountable and transparent governance. It will mean that the government does not want anyone to be able to look into matters like these that will reveal the dodgy practices of the Stanhope government.

The Tonkin affair is a perfect example of why this bill should be supported. The Tonkin affair represents a new low in the Labor government's descent into opaque, unaccountable and unfair decision making. As far as we have been able to ascertain, the sequence of events goes something like this. By late 2003, the Chief Minister and the Chief Executive of the Chief Minister's Department, Mr Tonkin, no longer "saw eye to eye". There is no question that Mr Tonkin's performance was not up to scratch for, as Mr Stanhope told us just last week, "Mr Tonkin is a very senior, very experienced and extremely good public servant." Nonetheless, the relationship between the two became so poisonous that Mr Stanhope sought a method by which he could rid himself of this turbulent chief executive.

In November 2003, the Chief Minister announced that Mr Tonkin, the Chief Executive of the Chief Minister's Department, was to be seconded to the commonwealth Department of Prime Minister and Cabinet to lead the secretariat for the Council of Australian Governments, COAG, national bushfire inquiry. This announcement made it quite clear that Mr Tonkin would be departing permanently, even though it was supposedly only a secondment, as it also noted that Mr Mike Harris would act in the position pending permanent filling.

Mr Tonkin, despite being on secondment to the commonwealth government, continued to receive his full salary as a senior executive level 3.12 in the ACT public service. In February 2004, the Chief Minister made a new notifiable instrument, NI2004-34, Administrative Arrangements 2004 (No 1). The sole purpose of this instrument was to provide for the creation of the Office of Special Adviser, Council of Australian Governments and Intergovernmental Relations as a new administrative unit under the Chief Minister's portfolio. The role of the chief executive in this new instrumentality falls to the special adviser. While it is not stated in the instrument, the special adviser is Mr Tonkin.

Then, in March 2004, Mr Tonkin and the Chief Minister signed a schedule D variation to Mr Tonkin's contract that reassigned him to the position of special adviser, Council of Australian Governments and Intergovernmental Relations. Then, in April 2004, the Treasurer made Disallowable Instrument DI2004-56, Financial Management Guideline 2004 (No 1), which inserted a new section 24A in the Financial Management Guidelines 2002. This new section prescribes, as a department, the Chief Minister's Department and the Office of Special Adviser, Council of Australian Governments and Intergovernmental Relations. The purpose of this amendment to the guidelines appears to be for the OSA to circumvent the need to produce a full annual report or gain a separate appropriation.

Then, in September 2004, a transmittal letter on Chief Minister's Department letterhead and signed by Mr Tonkin appeared as an annexed report in the Chief Minister's annual report for 2003-04. A short, half-page account of Mr Tonkin's activities followed. This account was written in the third person, so was presumably written by someone other than Mr Tonkin. This person would not have been a member of the Office of Special Adviser as there are no employees of the Office of Special Adviser, other than Mr Tonkin. The signature of Mr Tonkin appears pixelated, indicating perhaps that it is an electronic signature.

There are a number of interesting features of these arrangements. It seems to me to be a highly unusual arrangement where an officer, let alone a chief executive on secondment to another government, has his salary paid by his home government. It seems highly unusual for a chief executive to be seconded. I cannot recall this ever happening in the ACT or any state government, or indeed with the commonwealth.

Most unusual of all, however, is the creation of an instrumentality for the sole purpose of seconding Mr Tonkin to the commonwealth. This appears particularly unusual when one considers section 29(2) of the Public Sector Management Act 1994,which states: "The Chief Minister may assign a chief executive (including an unattached chief executive) to special duties on behalf of the Territory." Perhaps that is the appropriate way to second someone.

Evidence given on 22 February 2005 at the Public Accounts Committee inquiry into annual reports clearly suggested that, having completed his role in the COAG bushfire inquiry, Mr Tonkin was representing the territory's interests on national security issues. As I noted yesterday, Dr Shergold has written to me on the subject of Mr Tonkin and advised that the "details of Mr Tonkin's employment are a matter for the ACT government". However, the ACT government seems to have no idea what Mr Tonkin is doing, other than to say he is on secondment.

Between November 2003 and February 2004, Mr Tonkin was receiving salary as a senior executive level 3.12, a level applicable only to the Chief Executive of the Chief Minister's Department. He was not performing the role of chief executive; he was not an unattached chief executive. He is not entitled to salary at the level of 3.12 in the one-person instrumentality of Office of Special Adviser that was created to accommodate him. Given the size of the instrumentality he is heading, I doubt very much whether he should be paid more than a Senior Officer Grade C salary!

The amalgamation of the Office of Special Adviser in the Chief Minister's Department via the amendment to the Financial Management Guidelines 2002 would appear to restore Mr Tonkin to 3.12 salary level as he was at that stage, by my reckoning, the Chief Executive of the Chief Minister's Department. Unfortunately, at this time Mr Harris is the Chief Executive of the Chief Minister's Department. In effect, the combined Chief Minister's Department and Office of Special Adviser has two chief executives.

From 28 April 2004, we either have two chief executives of the Chief Minister's Department or Mr Tonkin continues to receive salary to which he is not entitled. If it is the case that there are two chief executives, is the appointment of

Mr Harris to the position valid, given that it is not vacant? Further, is it legal to have two chief executives of the same department?

Last month I wrote to both the Commissioner for Public Administration and the Auditor-General about the Tonkin affair. From the commissioner I sought advice as to:

- the usual salary practice with secondments of ACT officers to the commonwealth;
- the legality of the arrangements relating to the Office of Special Adviser;
- whether the creation of the Office of Special Adviser meets public sector standards and best practice;
- the legality of payments made to Mr Tonkin from mid-November 2003;
- precisely what organisation Mr Tonkin is the chief executive of;
- whether there are currently two chief executives of the Chief Minister's Department; and
- whether the appointment of Mr Harris is valid.

The commissioner has since written back to me stating that she cannot provide the advice I requested, as the Public Sector Management Act does not permit her to. The problem is that the commissioner cannot unilaterally undertake a review, nor is she able to provide advice to anyone other than the Chief Minister.

This bill simply amends section 21(2) of the act so the commissioner can undertake a review, if she chooses, without the approval of the Chief Minister. It also provides that she may investigate a matter referred to her by a member of the Assembly. This is an important amendment. As the act stands, the commissioner is far too beholden to the Chief Minister to perform her role. Admittedly, when the bill was originally drafted, it probably never occurred to anyone that a chief minister would go to the lengths that Mr Stanhope has to get rid of a chief executive. But since the Tonkin affair, it is clear that this sort of activity by a chief minister needs to be scrutinised.

In summary, while this bill arises from the Tonkin affair, it is an important set of amendments for the future to ensure the independence of the commissioner and to ensure the independence of the public service. I commend the bill to the Assembly.

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

Employment conditions

MR GENTLEMAN (Brindabella) (12.15): I move:

> That this Assembly:
>
> (1) expresses its concern about the Office of the Employment Advocate's advocacy of employment contracts that distinguish between voluntary and compulsory overtime and calculate weekly hours by average, rather than consideration of actual hours worked;
>
> (2) notes that these moves undermine efforts by the ACT Government, unions and the community to achieve a balance between work and life;

(3) recognises some of the benefits of flexibility, particularly incorporating family friendly conditions into Canberra's workplaces; and

(4) reaffirms the importance of workers having access to secure employment, regular working hours and appropriate remuneration for work performed.

The motion I bring before the Assembly today refers to a specific matter: a template for the employment contract recently released by the Office of the Employment Advocate, a federal government agency. The ramifications of the release of this template extend far beyond its immediate take-up by employers. It relates to matters that I believe are the crux of social and economic development in Australia and, indeed, here in the ACT.

The issues of work and family balance, flexibility in employment and the inherent tensions in the employment relationship challenge the people of Canberra every day as they seek to be good workers, good parents, good partners, good friends and good bosses. The capacity of government to engage in long-term planning for sustainable economic and social development and to implement cross-workforce and cross-industry policy reform places us in a unique position. In releasing this template for an Australian workplace agreement, the Office of the Employment Advocate raises important issues for government. The template, which is available on the OEA website, draws a distinction between voluntary and compulsory overtime and undermines the principle of ordinary hours of work by averaging hours over a four-week period.

The very fact that this form of contract is encouraged by a government agency is indicative of the role played by the federal Liberal government in employment relations. Defining success in industrial relations purely in terms of productivity is an ideological objective. This is the preferred path of the Business Council of Australia in their recent position paper *Workplace relations: the way forward.* It is also the position endorsed by the federal government. Federal industrial relations minister, Kevin Andrews, was quoted recently as saying that the minimum wage should be determined on the basis of economic factors. Under this federal government, fairness is being locked out of industrial relations.

The template released by the OEA is just one part of the chiselling away of the principle of fairness in Australian industrial relations. Yet the implications of government adopting this approach are negative for our society and even, on their own arguments, for long-term economic growth. This aggressive intervention into sectors and functions of the industrial relations system will cement the privileging of short-term profit over sustainable economic growth, social cohesion and equity.

Chronic under-employment plagues some in our society while others are working the longest hours in 20 years. It is government that is uniquely positioned to consider how to rectify these problems, to engage all stakeholders: business, unions, workers, their families and our communities, and to plan for the future to ensure sustainable economic growth that considers social and economic security.

Achieving balance between work and life is a difficult task—as workers and their families can attest to—the achievement of stimulating and fulfilling work that achieves remuneration sufficient to meet the fiscal demands of the modern family, while building

and maintaining essential family and community relationships that deliver satisfying and engaging outcomes for our society. Work and life are frequently not being balanced in today's society.

In 2003 almost three million workers performed overtime work on a regular basis. Long hours of work can consolidate unsafe and unhealthy conditions in the workplace. The physical effects of overwork and stress are multitudinous and can include high blood pressure, long-term fatigue, constant tiredness and poor sleeping patterns. Depression is a serious concern. The impact on individual workers is significant, yet the ramifications extend beyond these immediate concerns. Long hours worked generate time poverty and can have a significant effect on a worker's family life and structure. Long-hours workers report concerns with family relationships due to exhaustion, stress and time poverty.

Long-hours workers lack common time. Withdrawal from community activities can have a significant and long-lasting impact on community relationships and challenges our social fabric. Our capacity for civic engagement is weakened and fundamental mechanisms of social change and community organising are undermined. These changes are actually causing dysfunctional outcomes for the economy as a whole, particularly its long-term sustainability. The increase in long-hours work in our economy is presenting a challenge to sustainable economic growth, democracy and citizenship.

At the other end of the spectrum, 2001 figures demonstrate that about one-third of part-time workers would prefer to be working more hours. This figure represents about 10 per cent of all employed persons, which is a significant section of the workforce. The problems at this end of the hours spectrum are clear. Insufficient hours fail to provide workers with adequate pay, job security or employment opportunities.

The implications are clear for the individuals and for the broader community of failing to provide workers the space to achieve their work-life balance. Labour is not an expendable force. The sustainability of our economy and our society is dependent on an investment in the wellbeing of our workforce. The ACT Labor government is at the forefront of seeking to ensure a balance between work and life for the good of the workers, business, our economy and our community.

It is, apparent, however that the federal government has abrogated this fundamental responsibility in favour of short-term profit margins. At one end of the hours spectrum, many workers in Australia are working significantly extended hours on a regular basis. Over the last 20 years, the number of hours spent in paid work in Australia has risen by 23 per cent, and more than a quarter of the Australian workforce is now working more than 45 hours a week.

People engage in long-hours work for a variety of reasons, some very willingly, and some who, despite their commitment to work, experience the stress of overwork and the impact that this can have on their family life and community involvement. Research suggests that more than half of those currently working extended hours would prefer fewer hours and shows high levels of dissatisfaction with work-life balance among these workers. Eighty per cent of long-hours workers are shown by the ABS to be employed in the private sector.

It is essential to have regard for, and respond to, the needs of those workers whose acquiescence to long-hours work arises out of pressure and not choice. For many, long-hours work is essential as an additional income source. This has been built into household budgets and cutting back on overtime hours can cause financial hardship. Annualised salary structures can build in overtime pay, thereby negating the element of choice in performing long-hours work. However, a significant proportion of overtime work today is unpaid. ABS statistics show that 44 per cent of the women who regularly work overtime are not paid for this time. Work intensification registers as a major cause of both the increase in hours and the increasing likelihood that those hours will not be paid.

While our jobs today are frequently more interesting and stimulating, the burden on workers is increasing. During the 1990s, stress claims were the single largest cause of occupational disease, and overwork is a significant factor in causing stress. Researchers have identified the emergence of a dominant culture of long-hours work. This can work to entrench long-hours work as a benchmark within the workplace and across an industry, a de facto kind of new hours standard established by stealth.

The issue of understaffing is one of serious concern as it is usually more economical for employers to respond to increased labour demand by offering their existing workforce overtime, rather than taking on new workers. Yet, as researcher Barbara Pocock notes, "Many employees do not have the individual power to resist the pressure to work long hours, whether that requirement is a direct request or arises—very commonly—in an indirect way as a result of staffing levels and/or employer expectations."

The distinction between voluntary and compulsory overtime drawn in the OEA template legitimises the unfortunate reality. This contract fails to recognise the silent hours that are the greatest contribution to time poverty in the modern Australian workforce. The realisation of work-life balance requires the capacity of workers and their families to arrange and organise this balance. Working families need stable working hours to organise their family's function. Historically, this has presented little problem to full and part-time workers with predictable hours. The expansion of overtime work may present challenges for planning and therefore achieving a work-life balance.

The OEA's template adds a further concern to this, in seeking to average hours of work over a four-week period. Workers who may be required to work long hours one week and very few another have no capacity to organise their schedules. Placing such a high degree of unpredictability on work threatens the capacity of working families to organise their time effectively. For casual workers, engagement is on an hourly basis, at any time, on any day of the week. The template makes no attempt to compromise, to find a balance between the importance of regularity of employment for workers and responding to the changing pressures of business. It only provides flexibility for the employer without regard to the need of flexibility to achieve a work-life balance.

Currently, two thirds of all casuals want to work set days each week or each month. There is an obvious desire and an obvious need for regularity of employment and the provision of a capacity to predict and plan for work. This is the very essence of a work-life balance and it is as necessary, whether the worker is full or part time or casual. It is true, and must be recognised, that in many workplaces where casuals are

employed, and indeed in relation to most part-time workers, there is an extensive negotiation about availability and a genuine effort to ensure certainty and predictability of employment.

However, the capacity to negotiate hours and shifts varies widely, depending on the stance and compassion of management and supervisors and the skills and resistance of employees. A negotiated outcome and maximum notice of shifts and hours relates closely to the satisfaction of employees. That is good management. But when a government agency acts to legitimise the unfair work practices of a few, concern must be expressed about the arrangements advocated by the OEA.

In most current workplace agreements, there is a significant difference between part-time and casual work in relation to the regularity of hours and security of employment. The proposals of the OEA make this difference illusory. Rather than ensuring job security and addressing underemployment and the work-life balance of casuals, this proposal downshifts, making balance harder to achieve for part and full-time workers.

The model makes all forms of employment unpredictable and challenges the very basis of work-life balance for the work force. No one presumes that the achievement of work and family balance is a role of government alone. It requires a genuine and deep commitment from business, from workers, from unions and from communities to work together to secure mutually and communally beneficial outcomes.

Surely it is fair to reason that government will not actively prevent this work by entrenching unpredictable and anti-family conditions into conditions of employment. The benefits to society and to the economy of achieving family-friendly workplace practices that allow flexibility and a genuine realisation of work-life balance are clear. It provides for increased productivity, long-term sustainability of economic growth, a healthy and active workforce and vibrant communities.

Achieving a balance between work and life is a difficult task, and one for our community, our businesses, our unions and our government. The actions of the OEA, a federal government agency, in advocating the use of employment contracts such as these represents an abrogation of responsibility for this task. There is clearly an element of choice in the negotiation of employment contracts. However, use of the term is little more than a rhetorical flourish without consideration of the context in which the choice is exercised.

Governments should work to ensure genuine choice of employment when engaging in contractual arrangements. Governments must secure a differential between those workers who genuinely choose to work long hours and those for whom long hours are not a choice, but a dictate. Governments must allow for the choice to work part time, without prejudice, in the form of training opportunities, promotion or workplace conditions. Governments should allow casuals who have been working regularly for an extended period of time the choice to move to part-time work and receive the conditions, regularity and security of that kind of work. Governments with an interest in social cohesion and a sustainable economic growth must respond to these concerns and work to achieve a balance between work and life in our community that exists in realty and not just on a time sheet.

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 12.30 to 2.30 pm.

Visitors

MR SPEAKER: May I draw to members' attention the presence in the gallery of participants in the 2005 training program for graduate administrative assistants. Welcome.

Questions without notice

Health—radiotherapy

MR SMYTH: My question is directed to the Minister for Health. Minister, yesterday you informed the Assembly of the implementation of a new planning system for radiotherapy treatments. I quote:

> The current computerised planning system used for planning radiotherapy treatments is an old one and the government has committed funds to providing a new system …

Minister, are these funds for a new planning system the same funds that were allocated in the government's supplementary appropriation bill of December 2001 or is it new money?

MR CORBELL: I do not have the detail in front of me. I will take the question on notice and provide an answer to the member.

MR SMYTH: Mr Speaker, I have a supplementary question. If it is new money, over the 2001 money, what happened to the system implemented from the 2001 money? Why has it been found to be inadequate over the past three years?

MR CORBELL: I will take the question on notice.

Canberra Hospital—constituent feedback

MR SESELJA: Mr Speaker, my question is to the Minister for Health. I refer to your use in the adjournment debate yesterday of yet more unattributed correspondence. Minister, would you be able to confirm to the Assembly that the letters you cited yesterday were not written by government staff members?

MR CORBELL: Mr Speaker, I am very glad to confirm that all the letters I have read to the Assembly are letters received in my office from people pleased with the health system and pleased with the level of service they have received. The letters I read yesterday are from people who are not, as far as I am aware, in the employ of the ACT government.

Hospitals—patient treatment

MR STEFANIAK: My question is to the Minister for Health. I refer to cases of in-patients in our hospital system having had surgery cancelled. You might be aware of the case of Francesco Divito, who was admitted to Canberra Hospital for surgery for a collapsed lung on 27 January this year. His surgery was cancelled six times and he had another operation fail. He finally received surgery yesterday and his family has given us authorisation to raise his case today. Minister, how many in-patients have had surgery cancelled at the Canberra Hospital and Calvary Hospital since the beginning of January 2004? What contribution is the cancellation of in-patients making to bed block in our hospital system?

MR CORBELL: The final part of Mr Stefaniak's question, if I understood it correctly, was asking whether those cancellations were attributed to bed block.

Mr Stefaniak: What contribution is the cancellation of in-patients making to bed block?

MR CORBELL: I do not quite follow the question, Mr Speaker, but I will do my best. Cancellation of surgery can occur for a whole range of reasons. It can occur because of a more urgent case. It can occur because of emergency surgery that takes precedence over elective surgery. It can occur because of the patient not being well enough to have the surgery. It can occur because of the unavailability of staff, or a doctor, or both. There is a range of reasons for the cancellation of surgery.

In relation to the particular instance that Mr Stefaniak cites, I am not at liberty to divulge the particular circumstances of that case for patient confidentiality reasons. As I indicated in the paper this morning, however, I was concerned to hear of the number of times that that individual had had his surgery cancelled, or allegedly cancelled. I am asking for that to be investigated and for advice to be provided to me at the earliest opportunity to see what were the reasons and whether it was a case of postponement or cancellation occurring for other than clinical reasons. I am asking for that advice.

In relation to the second part of Mr Stefaniak's question as it relates to the number of surgeries postponed or cancelled—surgery is not usually cancelled; it is postponed—I am happy to take that on notice. I am not familiar with every occasion of service in our hospital system off the top of my head, but I am very happy to take that question on notice.

MR STEFANIAK: I thank the minister for taking that on notice. He may or may not need to do so with my supplementary question, which is: how many people have died in the past 12 months while waiting for surgery?

MR CORBELL: It would appear, Mr Speaker, that the suggestion is that they have died because they were waiting for their surgery, which I find a quite obnoxious and inappropriate question. The suggestion is that people are dying waiting for surgery. Again, it is an assertion made without any evidence or without any substantiation—just throw it up there and hope that it will stick. That seems to be the tactic of the Liberal Party on this point, Mr Speaker. That, I think, is completely inappropriate.

If Mr Stefaniak is aware of any cases where he believes that people have died because they have not been able to get access to surgery in a timely way, I would ask him to tell me and I will investigate those matters. But to make the assertion through what would appear on the surface to be an innocently worded question is completely inappropriate.

Community services

MR GENTLEMAN: My question is for the Minister for Disability, Housing and Community Services. Can the minister update the Assembly on the progress of negotiations with the commonwealth government on the supported accommodation assistance program.

MR HARGREAVES: I thank Mr Gentleman for the question because, as we can see by the standard of debate lately, it has been in the forefront of everybody's mind. I attended a meeting of community and disability services ministers in Melbourne last Friday. State and territory ministers called the meeting to discuss concerns about the commonwealth government's SAAP V offer. State and territory ministers felt that the commonwealth offer was completely unacceptable and that acceptance of the offer would create a growth in disadvantage and poverty throughout the county that would have implications for years to come.

Opposition members interjecting —

MR SPEAKER: Order! Minister, please resume your seat. This morning I issued a warning to the opposition. You were not here Mr Mulcahy, but I will restate that general warning about interjections, and that is to all of you.

MR HARGREAVES: The states and territories urge the commonwealth to reconsider their package to ensure that the vital emergency services provided through SAAP are not jeopardised. I am pleased to advise that, following the meeting last Friday, all ministers reaffirmed their commitment to the continuation of SAAP and to the SAAP Act. Ministers also committed to making every effort to conclude negotiations of a SAAP V agreement by 1 July of this year. Ministers agreed to authorise departmental officials to develop options to address the concerns of the states and territories about aspects of the SAAP V agreement, and I acknowledge the concession that the commonwealth made at this point.

When we walked in the door, all options were closed off. It was a take it or leave it proposition. When we walked out, commonsense had prevailed. The specific issues that will be addressed include SAAP service, viability and demand issues, definitions of new services which could count for inclusion in SAAP V—those initiatives we had done in the course of SAAP IV were specifically excluded by the commonwealth—definitions of innovation for the entire SAAP program, taking into account the recommendations of the SAAP IV national evaluation. That was another concession because in the fact the ACT had led the way in innovation. Also being addressed is the proposed investment fund and its associated governance arrangements—this was that sleight of hand $106 million, where it was taken out of the base, promptly put back in the base as a capital injection, and the states and territories would have to fund its recurrence for the life the agreement, and that has now been looked into again—and the transition to a minimum of 50 per cent

funding from the states and territories to SAAP V during the agreement. This allowed those states that were under the 50 per cent time to get up to it. The ACT is well over that figure.

I am very pleased that all ministers were able to agree on a way forward for this SAAP agreement. At the end of this meeting, the ACT was facing a significant drop in funding and I am now hopeful that a positive conclusion can be reached for the people of the ACT.

MR GENTLEMAN: Mr Speaker, I have a supplementary question. Can the minister advise how the Stanhope government's funding contribution for SAAP services differs from the previous government's?

MR HARGREAVES: Yes, I can, Mr Gentleman. It was through the development of the ACT homelessness strategy, breaking the cycle. The Stanhope government has increased funding to address homelessness by 86 per cent. The ACT now funds 53 crisis, medium and long-term supported accommodation and associated support services. In 2005-06, the ACT government will provide $9 million in funding for SAAP services. The commonwealth government has offered $5.454 million in 2005-06. Over the next five years, the Stanhope government will increase its funding by $21.7 million. From 2005-06 to 2009-10, the Stanhope government will be providing—wait for it—$47.195 million towards SAAP services. During the same period, the commonwealth government will be providing $28.466 million.

This means the ACT government will be providing 62 per cent of total funding for SAAP services over the next five years. In comparison, the funding provided by the previous Liberal government in their final full year in office, 2000-01, was $4.3 million. Let me repeat that: the Stanhope government is providing $9.095 million compared with $4.3 million under the previous Liberal government. These facts make a mockery of the claims last week by the shadow minister for community services that the ACT government had failed to ensure that SAAP funding is at a premium.

The ACT government will be providing 62 per cent of total funding for SAAP services over the next five years. So the ACT government will be providing $47.195 million compared with $28.466 million by the commonwealth. How can this possibly be construed as a failure by the ACT government to ensure SAAP funding is at a premium? Indeed, I received a letter only today, just at lunchtime—

Mr Smyth: Oh, from a staffer?

MR HARGREAVES: No, funny you should mention that, Mr Smyth!

MR SPEAKER: Order! Minister, direct your comments through the chair.

MR HARGREAVES: Mr Speaker, it was in fact from a staff member in Mrs Burke's office—one, Senator Kay Patterson.

Mrs Burke: From my office?

MR HARGREAVES: Don't tell me you don't talk to her? She was in fact congratulating the ACT government on the homelessness strategy. Just today I got this letter from Senator Patterson saying how effective our homelessness strategy and the funding has been in addressing homelessness issues in the ACT. It is a shame the shadow minister does not talk to her federal counterpart; she might learn something. The shadow minister also claimed that the states and territories had failed to match the commonwealth's GST compensation. Unfortunately for Mrs Burke she appears to have overlooked schedule 2 of the SAAP IV MOU, which clearly states:

> … new funding available from the Commonwealth for SAAP IV arising from tax reform is not required to be matched by the States and Territories.

I think the shadow minister needs to get her facts right before she lurches into the media with these outrageous claims. Sadly, it is an all too common occurrence and I do not hold out much hope that things will change. An examination of the SAAP Act and the SAAP IV agreements will reveal that the ACT has done more than its fair share and continues to do more than its fair share. In fact, in that one year, comparing those two years, the Stanhope government is actually giving two and half times that that the Liberal Party gave. And they have the temerity to stand up in this place and say we are not carrying our weight. What an absolute load of garbage. I look forward to the many more occasions in the life of this Assembly when Mrs Burke makes a complete goose of herself.

Disability services

MRS BURKE: Mr Speaker, my question is to the Minister for Disability, Housing and Community Services. Minister, an article in the Canberra Times on 9 March 2005 headed, "Family bears burden of care for disabled son" stated that the McIntyre family were one of 17 short-listed applicants who did not receive an individual support package, or ISP. Would you advise how this particular family is being catered for specifically by the department, as the article mentions that alternative services and support would be made available to unsuccessful applicants.

MR HARGREAVES: I have absolutely no intention of discussing individual cases in this chamber. However, I will address the substance of Mrs Burke's question because, if she leads with her chin, I just do not have the self-restraint to refuse it. I have stood up in this place before and told Mrs Burke—or tried to tell Mrs Burke; clearly I did not get through—how we deal with people who are unsuccessful in their applications for independent support packages.

The short answer is this: there are a number of people for whom we must provide the funds, and we do. There were 52 of them, if my memory serves me correctly. Of the remaining 206, some people do not satisfy the criteria and would never get funding anyway, and some people deserve funding or some other type of support. Every single person who met the criteria who has not received funding has received an offer from the department to work with them individually on a range of processes that might be able to suit them. Those arrangements might be respite care or other in-home support around the traps. That offer is made to people who have made application for an ISP and were not

successful. If they have not taken it up, I cannot answer your question. I reiterate that I have no intention of discussing in this chamber the difficulties of individuals.

MRS BURKE: Mr Speaker, I have a supplementary question. Minister, why has no-one from your department contacted the McIntyre family, or indeed other short-listed applicants who were unsuccessful, to find out how they could help them care for their relatives?

Mr Smyth: That is why he does not want to talk about it.

MR SPEAKER: Have a look at standing order 39, Mr Smyth.

Mr Smyth: Thank you, Mr Speaker.

MR HARGREAVES: I thought I had already answered that question. My understanding and advice is that when people are advised of their lack of success an offer of consultation is included in that advice. I have nothing more to tell Mrs Burke on the issue.

Territory plan

DR FOSKEY: My question, which is to the Minister for Planning, relates to draft variation 200. When the Assembly passed variation 200 to the territory plan, the government made a commitment to undertake an evaluation of its effectiveness in a few years. I understand that this evaluation will include a review of the neighbourhood planning process, as well as processes that have a significant bearing on the community's confidence and effective participation in Canberra's planning system. Since it is close to two years since the Assembly supported draft variation 200, my question is: what is the status of this proposed review, and what form will it take?

MR CORBELL: I thank Dr Foskey for the question. I have had a range of discussions with the planning authority about how this analysis of variation 200 can be progressed. It needs to be funded in the coming financial year. It is subject to arrangements in the forthcoming budget, which I am not yet in a position to outline to members. However, I anticipate that this work will be undertaken, subject to sufficient budget funding, in the coming financial year.

The analysis will look at the operation of the variation, its outcomes to date, any anomalies in the variation that have been highlighted since its introduction and any other issues that warrant finetuning of it. The government intends to proceed along that path. I will be asking for terms of reference to be developed in readiness for the coming financial year. Then the process will get under way, pending funding, in the coming financial year.

At this stage, that is the status of that work. I can confirm to Dr Foskey that the government does intend to undertake that analysis, which I agreed with former Greens member Miss Tucker would be undertaken.

DR FOSKEY: I ask a supplementary question. Minister, what opportunities will the community have to engage in the review? Can we be assured that they will feel as though their feedback has been attended to?

MR CORBELL: I certainly intend that opportunities for public submission will be available and an avenue open to people as part of that process.

Emergency services—response protocols

MRS DUNNE: My question is to the Minister for Police and Emergency Services. Minister, I refer to the decision of parks brigade, and the subsequent changes to operating procedures for volunteers, not to allow bushfire vehicles to respond to reports of emergency incidents with lights and sirens, in a manner that allows them to break the road rules when safe and reasonable to do so. Under the new procedures, if there were a major bushfire threatening property, houses and lives in the ACT, volunteers and members of parks brigade would have to stop at every stop sign and every red traffic light while responding to the incident. Minister, given the shortcomings exposed during the 2003 bushfires, when will you stop your bureaucrats interfering with the ability of emergency services to protect the community?

MR HARGREAVES: My heavens, I was hurt by the second part of that question. The answer is that I will not go down that track at all. But I have to admire Mrs Dunne for standing up here and displaying such magnificent shining ignorance of our processes. When people in fact report a fire and the brigade is given the okay by comms centre to go to that fire and that engagement is acknowledged, they are allowed to do that, Mrs Dunne. Have another look at the rules.

MRS DUNNE: I have a supplementary question, Mr Speaker. While observing that the minister does not know that they have changed the standard operating procedure, I ask the minister: is he aware of comments made in the ACT court of appeal last year in the judgment of Norman v Spiers that the law in the ACT reflects the community expectation that drivers of emergency vehicles can take risks that others cannot in responding to incidents?

MR HARGREAVES: I refer Mrs Dunne to the answer to the question she put on notice on this very subject only recently, which I have signed off.

Rural fire services—radio network

MR PRATT: My question is directed to the Minister for Police and Emergency Services. On 9 March 2005, at the time of a grass fire in Chisholm, a rural fire services officer used his radio to transmit a white alert call to the Emergency Services Authority. As he did not receive any response, he used his mobile phone to alert the authority.

Minister, why was this emergency radio call not acknowledged or answered? Why was the authority's monitoring service of the Rural Fire Service primary radio network apparently not working?

MR HARGREAVES: I thank the good Lord for serving these things up to me. I present the facts that pertain to that incident. Before I do, I note that Mr Pratt did not bother to check his facts with anybody. Had he done so, he would have been prevented from making a complete goose of himself.

Fact one: the ESA was alerted to the grass fire at Chisholm by numerous 000 calls from nearby residents. The communications centre received 50-odd 000 calls at the time. Fact two: the Chisholm fire was located in Canberra's urban area and was responded to by the ACT fire brigade. Fact three: a rural based fire brigade officer also radioed through the fire to comms centre on the old ACT Rural Fire Service VHS radio system—not the trunk radio network used by officers who have become operational.

Fact four: the particular radio channel was not turned off. I repeat: it was not turned off. What part of "not" do you not understand? Fact five: there was no risk to the community at any time, with a highly professional and timely response to the fire. Fact six: as usual, Mr Pratt has acted precipitately and once again he has got it wrong.

Yesterday, or the day before, Mr Pratt put out a press release without checking his facts. He admitted as much. On the 666 breakfast program yesterday morning or the day before he was asked by Ross Solly—and I quote the question; this is a glorious question:

> Mr Pratt, as opposition emergency services spokesman, I would assume that you have a line of communication with the people down in emergency services. Have you spoken to them about the incident last week?

Mr Pratt answered:

> I have not, because the report came to me very, very late last week.

He did not bother to check the facts. But it was not so late that he did not have time on the Sunday to put out a press release for release on the Monday. Mr Pratt has admitted that he had a report of an incident and, instead of checking it with anyone, he went to the media with a release on Monday morning. He then went on to blame the officers in the communications centre for turning off the radio. This was not the case at all. As I have just explained, no radios were turned off.

It has now been proven that he had his facts wrong. In fact, the United Firefighters Union has asked Mr Pratt to apologise for calling into question the professionalism and efficiency of the officers in the communications centre, based of course on no factual evidence.

Mr Pratt is also alleging some problems between the Rural Fire Service and the fire brigade over who will fight what fire. Which brigade responds to a fire is laid down in the bushfire abatement zone agreement and the UFFU has confirmed that there are no demarcation disputes between the services. I ask Mr Pratt: what were you trying to achieve by publicly accusing our fire services of fighting amongst themselves, instead of congratulating them on an excellent job putting out the fire on Simpson's Hill?

Mr Pratt needs to be held to account for his actions. He is scaremongering. He is playing on the fears of a community that has experienced a devastating fire in the recent past. As an elected member of the Legislative Assembly, he should have more responsibility than that. He should apologise to officers of the RFS, the fire brigade—especially those in the communications centre, who have now been brought into disrepute—and the people of the ACT.

MR PRATT: Mr Speaker, I have a supplementary question. Why was a white alert radio call on the primary radio net not responded to?

MR HARGREAVES: I will say this yet again, because I think that Mr Pratt's hearing aid must have been turned off. I told him that the call came through on the VHS radio system, which is not used by people who have become operational. That was on the trunk radio network that the reports were received. The 000 was responded to. In fact, the appliance got to that particular fire well under the required time and it was put out.

Mr Pratt asked why we did not respond to a radio system that was not in operation at the time. The radio system was not turned off, but there were 50-odd people concerned about this fire, and they were attended to; the community concern was attended to. The original report of the fire was responded to. As far as I am concerned, the people at comms centre and all the people involved in this fire did an exemplary job. Mr Pratt really ought to check his facts and perhaps even get some better understanding of how emergency services in this town work, or Mr Smyth ought to deal with him.

Budget forecasts

MR MULCAHY: Mr Speaker, my question is to the Treasurer. In the 2004-05 budget, forecasts are given for future years for GST revenue, specifically $689.6 million in 2005-06, $724.3 million in 2006-07 and $760.3 million in 2007-08. You recently stated that likely interest rate changes were factored into the budget and, therefore, the predictions of growth in GST revenue were sound.

Do you stand by these recent comments that you factored the possibility of changes in interest rates into the 2004-05 budget? And will you confirm that the prediction of further growth in GST revenue in the budget is fundamentally sound?

MR QUINLAN: I think I have been misquoted, Mr Speaker. I don't think I said, "I stand by the GST." I certainly did say that we had factored an interest rate increase into the budget. That was a prediction that has turned out to be a sound prediction. But I don't think I ever attached that to predictions for the GST.

What happens is that the predictions of GST are done by Treasury. Every year there is a treasurers council. Every year the state treasurers ask for an update from Treasury. Every year the federal Treasurer refuses to provide the latest update, even thought the states are going through their budget processes. It is a set piece that is played out. Every year the new GST predictions are incorporated in the federal parliament. The exception occurred last year, when there was an election and the federal government was required to furnish the parliament with an economic update. They did. Some of the figures were then used in our pre-election update and our half-yearly review since.

At this point in time I am not standing by the federal Treasury's estimates of GST at all. We do our best, on the basis of the information we can get from the commonwealth. As I said, the level of cooperation is probably not as good as it might be. And that might be just born of the fact that Treasury does not want to be caught out. Why help out eight Labor states and territories with a bit of information that might prove to be incorrect? So they hold it close to their chests. There is no way known, unless I somehow forget totally the incident, that I actually said, "I stand by GST forward estimates that are carried out by federal Treasury."

What we have heard in recent times is the federal Treasurer and other ministers, but particularly the federal Treasurer, talking about what the states should do with all this GST money. A lot of what has happened in the last fortnight and what has been discussed in the media in the last fortnight, quite clearly, is a smokescreen the Treasurer has put up, because pre-election interest rates and impending interest rate changes under a possible Labor government were used as a fear tactic in an election.

We also saw the federal government spend something like $6 billion in a pre-election spendathon, which many economic commentators have assessed has contributed to inflationary pressures. Those inflationary pressures have contributed to an interest rate increase. And that is what the federal government should be held accountable for. Costello is throwing out all these extra little hand grenades in relation to what the states ought to do and what he is going to do with the states.

He was even misrepresenting, as late as yesterday, the contents of the intergovernmental agreement associated with the GST in making the claim that the states made a commitment that they are now not going to honour. That is not the case. That is totally incorrect. In fact, if anybody ratted on the GST agreement, it is the federal government. They did so in relation to the fuel excise; they threatened to do so in relation to the tobacco excise. Certainly all the manoeuvrings that are occurring with the federal Treasurer and with his other federal ministers are about changing the face of the agreement that was put in place between the commonwealth and the states. All the states have agreed with and lived by the letter of the intergovernmental agreement and the federal Treasurer is trying to change and re-write that agreement.

MR MULCAHY: I have a supplementary question. Can the Treasurer explain to the Assembly the basis on which the Acting Treasurer last week advised the Assembly that "the payments to the states as a result of the reduced payments of GST by the commonwealth will be less"? Is this advice from the ACT Treasury, federal Treasury or some other source?

MR QUINLAN: I don't think I should be answering what was in the mind of the Chief Minister, but let me say that there is a concern held by many of us that, as we enter into what looks like being a softening of the economy, the growth tax—because it is exactly that, a growth tax—could possibly become a contraction tax. I have not got the figures in front of me, but a large slice of the GST arises out of retail sales. Retail sales over the last three or four years have been at record levels. I don't think any of us here are predicting that those retail sales will continue to grow at those levels. In fact, we would be concerned with the effect of interest rate changes on home mortgages, generated by the federal government, generated by $6 billion of spending before a federal election. We

now have interest rate inflationary pressures and we now have, as a result of inflationary pressures, an interest rate increase.

You might want to defend your mates up on the hill at the expense of ACT citizens. I don't know which side you are on. I would hope that you would be on the side of the ACT citizens. If nothing else, you cannot deny the consequences of a federal government spending $6 billion and shoving that into the economy in order to win an election. They are going to create inflationary pressure.

Then they have got a Reserve Bank, which they have set terms of reference for, that says, "Keep inflation under control." Costello stands up and claims, "I gave them their riding instructions. I, Pete, myself, big-time Pete, gave them their riding instructions." Of course, under those riding instructions, under those terms of reference, they have increased interest rates, with every indication that there is likely to be a further 25 basis points increase in interest rates through the course of this year. That is the genuinely held fear.

That is going to impact on home mortgages; that is going to impact on spending capacity; that is going to impact on GST revenue. So the Chief Minister has every right to be concerned that, first of all, GST revenue may certainly slow in their growth if they don't contract. Beyond that, because Mr Costello and his mates are running around saying, "Rivers of gold. Rivers of gold. The states have got it all good," on just about every portfolio front there is a push by the feds to reduce funds to the states. You will hear them saying, "The states have got all this money, and they should pick up here. The states have got all this GST money, they should pick up here."

The net difference to the ACT, after we get our increase over the estimated GST, then start losing our productivity payments, get screwed and treated absolutely differently to any other state or territory in relation to corporate regulation fees and get ripped off another $5 million per year—after you take that into account, there ain't no rivers of gold flowing around London Circuit, I have got to tell you.

I think the serious point that needs to be made in public discussion is whether or not this Liberal opposition in the ACT are going to be apologists for the federal government or whether they are going to defend the interests of the people of the ACT. So far, all the indications are that, particularly from Mr Mulcahy as he parrots the policies of the federal government, yes, you are going to come down on the side of the federal government at the expense of the citizens that you are supposed to directly represent. I counsel you to do otherwise. If you do not, we will do our level best to make sure the people of Canberra know where your interests lie.

Tourism

MS MacDONALD: My question is to the Minister for Tourism, Mr Quinlan. Minister, today you announced a new and exciting addition to Canberra's tourism events calendar.

Mr Pratt: The bikies.

MS MacDONALD: Minister, could you please inform the Assembly about this event and the new events unit announced for Australian Capital Tourism?

MR QUINLAN: Quite clearly, large events are crucial to the tourism mix in the ACT. We have had some dark figures promulgated in the last couple of months about the level of tourism. I have to say that, having seen reference to those numbers, I went and had a look at them. I have looked at the peaks and troughs over about the last four years and the level of tourism reported in the last couple of months is about on the line of best fit between the peaks and troughs that we have had over maybe the last four years. But that is not good enough; we want to increase it.

Certainly, the level is not dramatically down on some previous regular flows of tourists. In fact, I have to say that a lot of the numbers that we receive from particularly the hotels association and some of the attractions do not quite gel with the level of tourist numbers reported. Certainly, if you look back at those numbers, you can see the events coinciding with the peaks that we have had.

With regard to that, we have had a reorganisation within Australian Capital Tourism. We are setting up an events section that will focus on the development of events and the management of the current events, the major tourism events that are, in the main, Floriade and the rally at this point. There have been lots of other great events in the ACT in recent weeks but they are, if you like, more internal, more celebrate Canberra events. We are talking now about tourism attraction events. We will be pursuing a policy of building further events for Canberra.

There is now on the drawing board for December of this year the Brindabella mountains challenge, which will be a whole series of bicycle events—so it does involve bikies, Mr Pratt—for all sorts of cycling from mountain riding to BMX, racing, freestyle and recreational riding. It will be a unique event in the breadth of it. It will be a very neat fit into our calendar—December is a quiet month in the ACT; so it will fit into a hitherto quiet part of our calendar—and it will showcase a different dimension of Canberra, that is, the Brindabellas. But it will not be confined to the Brindabellas. There will be events within central Canberra. In fact, there will be an event village in the parliamentary triangle.

Looking at other events that are the nearest thing to this one, such as the Jacobs Creek tour down under in Adelaide, these events do promise a considerable amount for tourism if run well. In fact, I saw a reasonably conservative estimate of about 1,600 participants in this event in December, probably supported by about 5,000 officials, coaches and family. More than half of those are estimated to come from outside Canberra.

I am pleased to announce that there will be a working party headed by Mr Stephen Hodge, a well-known former champion cyclist, well-known coach and well-known participant in cycling at all levels—in administration in particular—including at the national level. We have tried to build the best connection we can with Cycling Australia to make this event a genuine one within the Australian cycling calendar and a genuine attraction within the tourism calendar of the ACT, providing variety and providing a wider showcase for the territory.

If you want to be in it, I suggest that you start training now. As the saying goes: on your bike.

Corrective services—prison project

MS PORTER: Mr Speaker, my question is to the Attorney-General. Can the Attorney give members an update on the progress of the project to construct the territory's state-of-the-art corrections facility, the Alexander Maconochie Centre; and is the project running to budget?

MR STANHOPE: I thank Ms Porter for the question. I am very aware of Ms Porter's long interest in and involvement with issues around restorative justice in the ACT. Of course, that matches very well with our determination to ensure that the Alexander Maconochie Centre, our prison, will be a state-of-the-art corrections facility and will incorporate all aspects of rehabilitation of prisoners in the ACT.

It was with some pleasure that I was able to announce last week that we had moved to the next phase of construction or delivery to the ACT of a prison which will, as we know, be known as the Alexander Maconochie Centre. We have now appointed design consultants to design the prison. The design consultancy is a joint venture between Codd Stenders, a leading Brisbane firm that has had very significant experience in the construction of correctional facilities, and their Canberra partner, May Russell. In fact, this particular joint venture has been responsible for the development or design of correctional facilities such as the Capricornia Correctional Centre, the Brisbane Youth Detention Centre, the Arthur Gorrie Correctional Centre and the Junee Correctional Centre, among many others.

It was also pleasing that a substantial proportion indeed—around 75 per cent—of the subconsultants to the joint venture are local Canberra firms. It is particularly pleasing that Canberra business has proven to be so competitive in what was a tough national competition for the job of designing the ACT prison. The contract is valued at around $7.5 million and has been broadly welcomed by the business community as a real commitment by the government to this major project, which will have significant benefits for the ACT construction industry and for the economy generally. At this stage it is still hoped that we will be able to open the first part of the prison by the middle of 2007. That will be reasonably tough but the expectation is that we will be opening the prison in 2007.

Going to the last part of Ms Porter's question in relation to the budget, it is interesting that, within the budget as approved in March 2003, there was a proportion of that which was identified as going to the design phase and to consultancies—the major of the consultancies being, of course, the appointment of the design consultants. In relation to where we are up to with this particular project at this stage, it is running very much to budget, which is very pleasing having regard for the escalator which is, and always has been, very much part and parcel of every capital works project in the ACT.

Another particularly significant part of the project is, of course, the design considerations that these particular consultants must have regard for, acknowledging our determination to build the state-of-the-art facility. We are very genuine about our commitment to ensuring that the Alexander Maconochie Centre will be the first prison constructed in Australia through the prism of the operation of a human rights act. That does have significant implications for the design of this particular prison.

We are committed to the Human Rights Act and we are committed to all those human rights that are protected through Australia's first bill of rights. That will have implications for how we design and construct this particular prison. Of course, that will be a particular challenge for Codd Stenders and May Russell in being required now to look at the design and design features of this prison from that perspective.

That will be relevant to our determination to deal with different classifications or classes of detainee in a way that we believe is best suited to a commitment to rehabilitation; it will meet our commitment to human rights and will ensure that this is a prison that deals in a whole way in relation to the needs of each of the people detained there. For instance, in our commitment to women it has already been announced that, at this stage, we do not anticipate the construction of any cells for women. It is our determination to adopt a whole new approach to the detention of women which will not involve their incarceration in cell blocks but rather essentially in houses which will be part of the campus style we are developing at the Alexander Maconochie Centre.

MS PORTER: Mr Speaker, I have a supplementary question. Can the attorney say if the opposition spokesman was correct in suggesting that the government would not be able to fund the centre as originally planned?

MR STANHOPE: Yes. I am able to say that the shadow attorney was certainly wrong, I think almost deliberately maliciously wrong, in the claims he made last week. It is a fact that the ACT government has always insisted that this project had been costed at $110 million in March 2003—that is part of the public record.

Mr Smyth: Mr Speaker, I wish to raise a point of order. The Chief Minister has just said that it is a fact and is part of the record. Can he point to the record as to where he has used—

MR SPEAKER: There is no point of order; resume your seat.

Mr Smyth: He runs the risk of misleading the Assembly if he cannot do that.

MR SPEAKER: Resume your seat; there is no point of order.

MR STANHOPE: We in cabinet agreed to this project and agreed to fund it—an agreement that, of course, the previous government refused to make, as it refused to fund so much of the important infrastructure that has been lacking within the ACT. My government agreed to support the construction of a prison for the ACT at a cost of $110 million, expressed as $110 million, valued as of March 2003. In that decision there was also allowance made for GST. GST was not included within the $110 million; that was an explicit part of the decision.

Mr Stefaniak: Three million bucks extra.

MR STANHOPE: There was an allowance of $3 million made. That was part of the decision. Also as part of the decision, which has been previously announced and is part of the public record, there was an acknowledgment that the normal escalation would

apply to this project as, of course, it applies to every capital project of any cabinet of any government anywhere in Australia.

I think if it is not part of economics 101 then it is certainly part and parcel of being a minister, a member of a cabinet or a member of a government to understand that the process of escalation that applies to every capital project—namely, the tool of net present value and tools in relation to discounted cash flows—is applied in such projects, including this particular project. Escalation or indexation is part and parcel of every single capital works project the government has committed to. It was stated explicitly that it was part and parcel of this particular project.

At the end of the day, when the escalator is determined by Treasury, we will have an additional figure. If we were to do it today we would have a cost as of March 2005, as opposed to the $110 million. We currently have a cost of $110 million as of March 2003. We could work out an escalator today and give you a cost as of March 2005. We will be building the prison in 2007 and we will have a cost then. It was factored in, it was always accepted; we have always known that an escalator or indexation would apply to this project; and we will meet that indexation or escalator through the normal budget processes.

Interestingly, another aspect of Mr Stefaniak's press release in relation to this, which is also wrong, was the claim that the ACT government had misled the opposition in a document which it received under the Freedom of Information Act. That, of course, was an incoming government brief which Mr Stefaniak received through FOI and which he claims is an ACT government document that contained misleading information around recurrent cost.

Government briefs are produced pursuant to the caretaker conventions. They are produced by the public service; they are not government documents; they are not seen by ministers; they are not prepared by the government; they are not approved by the government—the government does not, in fact, see them. An incoming government brief prepared against the potentiality of the Liberal Party, in this case, winning government is a caretaker convention document. It has no status; it is a draft. In this instance it was never used, utilised or delivered because, of course, the Liberal Party did not win the election. We know why they did not win the election. It was because people voted as if their lives depended on it. That is why they did not win the election.

There is another aspect of this document that the Liberals received under the Freedom of Information Act—the incoming government brief that they would have received if they had won the election. Now, I support and defend the public service absolutely but I have this dread, mischievous fear that the public service took the odds to it. They knew that this mob were not going to win the election and they really did not put much effort into the preparation of the incoming government brief because they knew it was a document that would never be used.

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

Personal explanations

MRS DUNNE (Ginninderra): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Does the member claim to have been misrepresented?

MRS DUNNE: I do, Mr Speaker.

MR SPEAKER: The member may proceed.

MRS DUNNE: In question time today, I asked the Minister for Police and Emergency Services about changes to the standard operating procedures in relation to urgent duty driving, and in the response to the question the minister said that I did not understand how urgent duty driving worked. I refer members to a document signed by the Manager of Parks and Conservation dated 23 December 2004, which says:

> Effective immediately, all staff within Parks and Conservation are advised that "urgent duty driving" is not to be undertaken. Any direction from Comcen—

that is, the communications centre—

> to respond will require that all speed limits, roadsigns and traffic lights are to be complied with.

The same person, the Manager of Parks and Conservation told the estimates committee that standard operating procedures would be changed.

MR SPEAKER: Mrs Dunne, this should be a personal explanation. You have gone beyond the personal when you talk about the estimates committee.

Mr Stanhope: Continually abusing the standing orders.

MRS DUNNE: No, Mr Speaker, I do not think I am abusing the standing orders, because Mr Hargreaves said that I did not understand the standard operating procedures, in the answers to the question, and he further referred me to his answer to my question—

Mr Stanhope: On a point of order: this is not a personal explanation; this is debating evidence given to the estimates committee by an official.

MRS DUNNE: No. I have moved on from the estimates committee, Mr Speaker. I am referring to Mr Hargreaves's suggestion that I refer to the answer that he signed off on, where he said:

> The ACT Forests and Parks Brigade have been instructed by their Agency employers to comply with speed limits—

MR SPEAKER: Mrs Dunne, what has this got to do with personal—

MRS DUNNE: Mr Speaker, Mr Hargreaves said that I did not understand. I am trying to point out that in fact Mr Hargreaves does not understand his own answer to his own question.

MR SPEAKER: Resume your seat.

Mr Hargreaves: Mr Speaker—

MR SPEAKER: Mr Hargreaves, my leave for a personal explanation is not a means to continue a debate. I am assuming that you want leave, and I am just sort of offering you that little warning, that it must be a personal explanation.

Supplementary answers to questions without notice

Emergency services response

MR HARGREAVES: Mr Speaker, I wish to give some additional information with respect to the answer that I gave to Mrs Dunne in the course of question time. The first piece of information I would like to advise the Assembly of is that Mrs Dunne asked me a question, which was almost word perfect with a question put on the notice paper. As she had not received my response, I believe, she really should have been out of order, in fact, in asking the question in the first place, and she should have known better, as a government whip.

However, as I signed it on 15 March, I would like to take the opportunity of providing that information in specific detail, whereas I was giving it in general detail today. Her question was:

> Have fire-fighting personnel with (a) ACT Forests and (b) Parks Brigade at any time been given a directive not to respond to reports …

I think Mrs Dunne said that just now. The answer is that ACT Forests and Parks Brigade have been instructed by their agency employers to comply with speed limits, traffic lights and road signs while travelling to rural fires. Where appropriate, trained and competent personnel may use lights and sirens to negotiate traffic and impediments.

She went on to ask:

> If such a directive had been issued, (a) on what basis was it issued, given that fire-fighting personnel from these brigades have in the past responded to fires, (b) on what date will fire-fighting personnel be again able to respond to bushfire incidents and (c) what interim measures have been adopted …

The response to that, Mr Speaker, was:

> A) The Department of Urban Services and Environment ACT provide firefighters to the ACT Rural Fire Service under a Memorandum of Understanding. While involved in bushfire control operations, these personnel are under the command and control of the rural fire service, but they remain employees of these agencies, and government land managers maintain a duty of care for their employees. It is important to ensure that personnel undertaking fire-fighting duties including Urgent

> Duty Driving (UDD), are appropriately trained and work in accordance with safe work practice. This includes understanding and accounting for the limitation of fire-fighting vehicles designed for off-road situations, and having the skills and correct mental attitude to undertake UDD. Training and assessments undertaken are being undertaken to ensure that personnel responding to rural fires meet these requirements … Land Managers are working closely with the ACT RFS to refine existing training and operational procedures;
>
> B) Personnel with requisite skills and attitude necessary to undertake UDD will be permitted to respond to bushfires in accordance with the ACT RFS Standard Operating Procedure being developed for this activity;
>
> C) Parks and Forests Brigade personnel can proceed immediately to bushfires … It is worth noting the land management personnel are on a bushfire roster that enables them to respond immediately … during duty periods;

Health—breast screening
Canberra Hospital—patient treatment

MR CORBELL: I refer to some questions I took on notice both today and last week. Firstly, last week in the Assembly Mrs Burke asked me a question regarding a Canberra woman with breast cancer. I advised that, if she would like to provide me with the details of the patient, I would seek further advice. I can inform members that to maintain patient confidentiality I will respond to Mrs Burke in a letter. However, I would like to make the following points.

Firstly, I would like to remind members that BreastScreen ACT is a screening service aimed at well women. Women who express a concern about having to wait for a mammogram either because of a previous family history or because of current breast symptoms are advised to make an immediate appointment with their GP. Over the Christmas and new year period, BreastScreen was closed between 17 December and 10 January inclusive. All BreastScreen clients who had an appointment in December 2004 were informed of possible delays in receiving their results due to the closure of the clinic over this period.

In relation to the specific claim that Mrs Burke made in relation to whether breast surgery was cancelled on 7 March, I am advised that the patient Mrs Burke referred to underwent her surgery on 14 March as scheduled and that no breast surgery was cancelled on 7 March.

Today in question time Mr Stefaniak asked me a question about postponements for elective surgery, including both hospitals. From January 2004 to January 2005 there have been 1,349 postponements. These postponements have occurred for a variety of reasons, such as an emergency, staff sickness or no ICU bed. Of this figure, only 100 postponements have been due to no bed.

Personal explanations

MR PRATT (Brindabella): Mr Speaker, I seek to leave to make a clarifying statement under standing order 46.

MR SPEAKER: As long as it is a personal matter.

MR PRATT: It is purely that, Mr Speaker.

MR SPEAKER: The member may proceed.

MR PRATT: Today in question time Mr Hargreaves made a statement that I had said yesterday on ABC radio that I had received information about the Chisholm grass fire late last week and words to the effect that I had not been able to seek further information. The fact is that I did not say that yesterday. Indeed, I had said words to that effect on Monday morning on ABC radio—literally half a working day after receiving the information that was the subject of that question.

Living wage case
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Gentleman proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The importance of the national living wage case to working Australians and Canberrans.

MR GENTLEMAN (Brindabella) (3.39): Mr Speaker, the topic I bring before the Assembly today for discussion is particularly timely. At the beginning of this month, the ACT government participated in a joint submission of all state and territory governments to the 2005 living wage case. This occurred at the time of heightened debate at the level of government and in the community about the future of the living wage case.

The 2005 case is set to be conducted only a couple of months before the coalition takes control of the Senate. Unions have warned that this may be the last living wage case, as the commonwealth looks to the future determination of minimum wage levels without the independent umpire, the Australian Industrial Relations Commission.

My concern in raising this matter of public importance is to ensure that this debate does not continue without due consideration of the needs of working families across Australia and in Canberra who are affected each year by the decision of the IRC. The annual living wage case must be considered in its context and not purely in economic terms, as some would have it. The safety net increase occurs every year as a result of an application made by trade unions to the AIRC for an increase in the minimum rates payable under federal awards. The final decision of the AIRC is then applied to each award and industry on an individual basis, with base rates of pay rising in reflection of the outcomes of the case.

The submission of the ACT government to the national wage case was made jointly with other state and territory Labor governments, proposing a $20 increase for the ACT's lowest paid. This joint submission supports a sustainable wage increase that would bring the minimum wage for a full-time worker to $487.40. The submission recognises that in the current economic climate the advantages of growth should be passed on to low-paid workers. All those who work to make the economy strong should share in the prosperity

created by economic growth. It is essential that no-one is ever left behind during times of economic growth, and the national wage case is one of the most effective means of ensuring this. In particular, the submission considers the demography of low-paid workers and recognises that, amongst award-reliant employees, there is an overrepresentation of young workers, women and workers from non-English-speaking backgrounds. These are concerns echoed by the ACTU in their $26.60 submission. The Australian Catholic Commission for Employment Relations has today publicly supported this submission. The ACCER has recognised that low-wage workers are the most in need of a substantial increase in wages.

These submissions recognise the importance of passing on the benefits of economic growth to the lowest paid and of the counter effects of economic growth. We have seen over the last few years an unparalleled growth in the cost of accommodation, both in the form of house prices and of private rents. Petrol prices attracted media attention when they skyrocketed towards the end of last year and they have remained high since. When living costs increase, it is only fair to recognise a need for wages growth. Failure to do so results in a problem we are increasingly seeing in Australia, but one that has been prevalent in the United States for a significant period of time. This is the problem of the working poor—workers who are engaged in full-time employment but are unable to make ends meet. Described by Barbara Ehrenreich in her amazing book, *Nickel and Dimed*, the life of American low-paid workers unable to subsist on the minimum wage is something that we must avoid replicating at all costs in Australia.

The ACTU's submission to the living wage case identifies the difficulties faced by many low-wage and full-time workers currently in making ends meets. The costs of living, considered necessities by the broader population, absorb the entirety of their income. Many low-wage workers already go without what would ordinarily be considered basic necessities. There is no budget capacity for saving, for training and education or for emergencies. Low-wage workers can live a precarious existence and it is this fact that makes the living wage case so necessary for our contemporary social economy.

Of all Australian employees, 19.9 per cent, about 1.6 million people, depend on award wages. More than 965,000 of these workers are women, 82 per cent of these employees earn less than the median weekly wage and 46 per cent are casual. The implications of these award increases, relevant only to those awards which deliver a minimum wage, affect millions of hotel workers, cleaners, waiters, bar attendants, sales assistants and other workers every year. For many award-wage workers, this is the only salary increase they will receive each year, despite rising costs of living such as the cost of food, petrol, accommodation and other necessary expenses. The high proportion of women workers on award wages means that tackling the issue of low pay for award-wage workers is essential in tackling endemic disparity between male and female wages.

The living wage case provides an important opportunity for wages growth for all low-wage workers and significantly impacts on the income of women workers in Australia. The living wage does not solve the problems of poverty and unemployment in our society and it does not adequately address the most significant emerging issue in the rise of the working poor, that of underemployment. But the fact that the case does recognise the importance of delivering a fraction of the benefits of economic growth to low-wage workers, does increase the pay packets in a real sense to low-wage workers, full-time, part-time and casual, and does consider the principle of fairness in industrial

relations represents an important contribution to addressing these significant issues facing our society.

Despite these clear, positive benefits of the case, however, and the support of much of the community and the state and territory governments, the federal government has consistently indicated its desire to radically refigure the living wage case. The report to the House of Representatives Standing Committee on Employment, Workplace Relations and Workforce Participation, handed down this week, suggested a reduction in the minimum wage in order to stimulate job creation.

The Howard government's submission to the living wage case has put pressure on the AIRC to delay the decision and incorporate greater consideration of economic factors in making the determination. While the AIRC has made provision for post-budget submissions to be made to the case, the overwhelming trend of submissions is consideration of economic factors. The emphasis at the moment is significantly on economic factors but incorporates basic principles of fairness. One can only assume federal government sympathy with the views of the BCA in advocating for an industrial relations system devoid of fairness and of pure privilege for productivity.

The Howard government has publicly discussed two options for changing the structure of determination of minimum wages. The first is to place responsibility for the determination of the minimum wage with a specialist body of the AIRC. The second is the government appointed panel, akin to the system of operation in the United Kingdom. The system currently in operation in Australia guarantees some fairness of outcome and allows submissions and consideration from worker and employer groups. The removal of the independent umpire from the process of minimum wage determination gives the federal government control—and their commitment to the wages and conditions of low-paid workers to date does not bode well for Canberra's working families.

If the Howard government's submission to the minimum wage case had been accepted by the AIRC since the government's election in 1996, minimum wage workers would be more than $2,000 worse off every year. Yet, despite the increased wages through the minimum wage case every year, there has been an average of 2.4 per cent annual increase in productivity growth over the last 10 years. Future growth is forecast at three per cent and unemployment is statistically at a 28-year low. Company profits are at record levels. Economically, we are looking good. Whilst profits are at record levels, wages growth has been modest and the wages share of income has declined.

We are constantly reminded of the economic success of this federal government—and then hit with rejections of the very real need that low-wage workers live with. It is evident that, if this federal government had their way, minimum wage workers would be on a lot less, yet the proposal recently considered by cabinet puts the debate about the minimum wage case precisely on those terms. Federal shadow minister for industrial relations, Stephen Smith, described the proposal as a backdoor mechanism to slash the wages of Australia's low-paid workers. Democrats employment spokesman, Andrew Murray, considers the proposal "a charge for lower wages for the poor". Arguments that suggest that a living wage threatens the job prospects of the unemployed fail to recognise the emergent concern of the working poor. Poverty and unemployment are indeed closely linked, but the answer can never be in isolating and enforcing the living and working conditions of the working poor. In standing up for workers' rights, and in

combating poverty, decent and liveable wages are essential. Investment in training and skilling of the work force generates economic growth and enhanced productivity. These are needed to tackle unemployment and for long-term sustainable economic growth, and they demand a living wage that ensures that workers are not living hand to mouth.

The living wage case already engages in a balancing process of the needs of workers and their families and the economic considerations, including forecasts. In fact, this is already legislatively prescribed in section 90 of the Workplace Relations Act: the bench must have special regard for employment and inflation. The process itself remains fundamental to ensuring that Australia avoids the US style situation of the working poor. We are ensuring that low-wage workers have some access to the benefits of economic growth. We are ensuring that considerations of fairness impact on the operation of Australian workplaces and that productivity and profits are not placed above human dignity.

Support for the living wage case does not deny that there is much that needs to be done in Australian industrial relations to progress fairness and ensure the decency of wages and conditions for all Australian workers. One of the biggest concerns relates to the issue of underemployment. While workers on award wages include part-time and casual workers, the living wage is considered on a full-time basis. The reality for many Australian low-wage workers is not that they have no work but that they do not have enough work.

There is an identifiable trend in the increase of casual and part-time work across the Australian work force. In 2003, 27.6 per cent of all wage and salary earners were in a casual job. The majority report of the House of Representatives committee recognises the impact of increased employment and participation in paid work on low-income earners and those receiving government assistance. The important issue here is to recognise the prevalence of underemployment in Australian society and the importance of security of employment and reasonableness of wage.

This was an issue recognised explicitly in the dissenting report, which noted that during the committee's public hearings "on no occasion had evidence supported the assertion that reducing allowable matters in federal awards would have any bearing on improving participation in the paid workforce". The ACTU submission legitimately contends that:

> It is generally acknowledged that many low paid employees experience difficulty in making ends meet and are unable to afford what are regarded as necessities by the broader Australian community.

When this is the case for full-time workers, it is apparent that those workers included in employment statistics as employed yet who may work as little as an hour a week can suffer extreme poverty. The significance of the living wage case for low-wage workers across Australia and for Canberrans is immense. While in dollar terms the difference may not sound exceptional, for a full-time worker on average wages this is very significant.

The living wage case protects full-time, low-wage workers from being enveloped in the trap of the working poor. It guarantees consideration of important equity issues and

balances these against economic concerns. This is an equitable exercise in seeking to ensure that low-wage, full-time workers are not struggling below the poverty line.

In considering changes to this system, the principle of fairness must be retained. The process of determination of the living wage case is a reflection of the competing interests inherent in Australian workplaces every day. This presents us with an opportunity to consider how best, how fairly, to balance competing interests and redress poverty concerns for Australian workers.

MR MULCAHY (Molonglo) (3.53): I am pleased to have the opportunity to speak on this issue. It is the first time, I think, since my election and Mr Gentleman's election to the Assembly that we have actually had a debate or an MPI on industrial relations matters. There is always an attempt in this sort of context to try to stereotype or characterise the position of the Liberal Party and our colleagues in the Australian government, the federal government, as one that is against improvement in people's living standards; that we take some enjoyment out of people being in poverty and misery. It has certainly not been my experience in life that that is a philosophy embraced by anyone within my political grouping and, frankly, it is not a view that is favoured by employer organisations. I have headed up several of them in my career and I have had the privilege of working in industrial relations in one form or another for, I guess, 30 years but being employed in that field since the early eighties.

The experience I have had to date is that it really comes down to a fundamental matter of understanding economics. The fields of industrial relations and economics do go hand in hand, although invariably it does not happen in terms of the political process. If we are in an environment where the economy is not well run, where we have bad economic managers or where a global circumstance even impacts on the state of play, we will see working poor, we will see people hurt, we will see businesses fail—and all that goes with that. To try to look at wage claims and wage increases in total isolation of the overall economy and other elements that are coming into play is somewhat naive.

In the context of the safety net review, this is a periodic event on the calendar and it is one such hearing or matter which I have been involved in on many previous occasions in various forms. We are in an interesting position in Australia at the moment. Our economy has experienced something in the order of 13 years of strong economic growth and unprecedented levels of employment and that has got to be one of the most important things in our society—ensuring that people who wish to work are able to work and are gainfully employed.

The position as presented by Mr Gentleman would suggest that we are in an environment with massive numbers of people who are on the poverty line and that misery prevails on all fronts. I do not deny that there are many disadvantaged people in our community. I and other members on this side—and, I am sure, members opposite—have devoted time and resources to helping those who are disadvantaged. Indeed we just had work for St Vincent de Paul a few weeks ago where many were involved.

But, that being said, I think that one has to acknowledge that the vast majority of Australians are living in conditions and circumstances that they have never previously enjoyed and of a very high level. We have the highest rate of home ownership in the world. We have record levels of unemployment that continue to go through new barriers

of success, particularly in terms of when we last achieved the sort of figures we have today. We have very quickly forgotten that era that was presented to us by the Labor administration nationally when year after year of record interest rates inflicted unemployment on large numbers of people and all the terrible devastation that inflicts on households when the breadwinner or both breadwinners are unemployed.

The ACTU has made a claim in the safety net review, seeking a $26.60 per week increase in all award rates. This increase would be unfair to those who are lower paid, low-skilled workers, because, as those minimum rates are set at a level that becomes unaffordable for many businesses, the opportunities simply are not presented.

It is regrettable that Labor feels constantly beholden to union leaders, many of whom, I might say, I think now have moved a long way from their original commitments and values and are very much now more preoccupied with involvement in peripheral issues; they are interested in the big money of superannuation. Ensuring that the average Australian family is secure and employed and has got continuity of income is not so important any more. The agenda has become so broad and diverse that the main game has been forgotten.

I believe that an increase of the sort of magnitude proposed by the ACTU would be unfair to the unemployed. Large increases in award wages price people out of the market and deny people at the lower end of the scale entry into the employment market. You only have to talk to young people who are frustrated with trying to get employment to know how disheartening it is for them at that stage of their career, trying to get into the work force, when every door is closed. We have the situation here where a young person living in Canberra has one chance in 150 of getting into the ACT public service, because they do not employ people any more who do not have a tertiary education. We keep hearing statements from both sides of politics that the be-all and end-all is not university education, but in fact the doors of one of the biggest employers in this territory have been closed.

In terms of this advocacy of the high level of pay claim that has been demanded by the ACTU, I acknowledge that the state and territory governments came up with a more moderate figure of $20 a week, and I acknowledge publicly that that was a more sensible approach than the one advocated by their colleagues in the trade union movement. When you talk of these figures of $8 or $10 or $11 or $12 dollars, it does not sound too much money at all, but in fact when you multiply them across the work force in a business or across a country, it runs of course into many, many millions of dollars.

So the fact that the ACT government itself is not in accord with the ACTU is a step towards some measure of progress. But the issue still comes down to what is a fair increase. Despite the statements earlier from the Chief Minister suggesting that I want people to have their pay cut, nobody in Australian politics that I have heard of suggests that we cut people's pay. People have talked about rates of increase—that is the issue—and what is affordable and we talk about the size of public sector establishments. They are quite different things.

I draw to the attention of members an article I read that was published only this week in the *Australian* of work undertaken by the Melbourne Institute. It actually showed that, under the ACTU's claim, a single-income family with a small child would be

$1.04 a week worse off if the claim of $26.60 a week is granted. The financial help, they said in the *Australian*, provided by any increase in the minimum wage would be almost completely obliterated for thousands of families as governments claw back tax and welfare payments.

I know the answer will be that we will suddenly have an attack on the federal government welfare system. But my point here is to ask people to look at what these sorts of claims do to people and to ask whether they actually deliver the outcome that they are purported to do. We have a system of social security in place. We have a wages conciliation and arbitration award system and that is the vehicle where we need to apply some measure of sense.

Obviously, unions reject any criticism of their claims. The federal opposition, however—our federal colleagues on the hill whom we apparently have got to shun—

Mr Gentleman: Mr Smith?

MR MULCAHY: Yes, Mr Smith—Stephen Smith, your esteemed colleague and a competent member of parliament, I might say—said last night that he agreed that modelling showed many workers would be worse off under both the ACTU and the government submissions.

One of the other factors that need to be understood in these sorts of ambit claims and wage claims that are pursued is the flow-on effect. They have calculated in this same article that the ACTU's claim, if granted in full, would result in payment by employers of around a $35 increase, once payroll tax, workers compensation and superannuation contributions were taken into account. So the impact flowing forward from the value-add on these sorts of wage claims, of course, is much more severe than is often recognised by those in the trade union movement and by my colleagues opposite, such as Mr Gentleman.

The Australian federal minimum wage is quite high by world standards. As a percentage of median earnings it is currently 59 per cent compared with 43 per cent in the UK and 40 per cent in Canada. Australia has the highest minimum wage of any country in the OECD as a proportion of the minimum wage. In supporting the ACTU's claim, the Labor Party appears to ignore the resultant economic and social impacts of a high and increasing minimum wage. The tragedy is that the flow-on effect is rarely recognised. Those of us who were involved in business and industry around the nineties saw then what really happens when things get out of control. We saw the impact on the economy and we saw businesses suffering from high interest rates. High interest rates, whether we like it or not, are fuelled by wages spiralling, and so therefore it is an area of government economic policy that requires cautious management.

Mention was made by Mr Gentleman of the issue of casuals—how terrible it is that so many people have casual jobs these days and that this is a bad sign. I have worked in an industry that represented a quarter of a million Australian employees—a big part of the population. Many of those were women with children, or single parents, who wanted those casual hours. They worked in housekeeping jobs in hotels. Many of them were students who wanted to supplement their household income, to take pressure off their parents, to put themselves through university. It is a myth to say that people are opposed

to casual employment. The fact of the matter is that that is what a lot of people want to do in this country.

I believe there is a lot of demand for permanent employment. In fact, if there were not so much demand for permanent employment, we would not have to be going offshore now to recruit people. Indeed, in the hotel industry, again, even with the agreement of the LHMWU, keeping in mind a union supported proposal, we had authority given to us to bring in 1,000 chefs from overseas. We could not recruit people here locally. The fact is that a large percentage of the work force wants flexible working hours; they want casual employment. The union movement really does not care about these people. They are worried about the permanents, and the casuals they are not so interested in at all. So they are not the flavour of the month but in reality they make up most of the work force in this country in a number of industries such as hospitality and retail. We have got to recognise that those people have rights and interests too.

If the ACTU and their affiliates continue to hold on to a past perception of what the work force is all about, they will find themselves very quickly out of touch with the market. Indeed, the greatest barometer in my view is membership of unions or membership of employer groups. When the numbers are falling in either group, it means usually that they have lost contact with the people whom they purport to represent. We have had a progressive fall in numbers over the years in many unions, because people do not relate to them. Young people are articulate and they are not interested in the old ways of the past.

I recall being out here on Commonwealth Avenue some years ago when we talked about awards. Union officials drove down from Sydney and called a strike on the housekeeping staff, many of whom were not so familiar with the Australian methods; a lot of them were new arrivals in our country. They were simply moved around and directed what to do and had no say in what was going on.

The truth is, though, that the nature of the work force in Australia has changed. But what has also changed is that we are in a much stronger economic position now. We certainly would not support any view that we do not deserve increases, but those increases have to be within a level that can be managed. We do not want to provide fuel for the Reserve Bank, the central bank, to say, "Let's increase interest rates." The Chief Minister earlier today was quite wrong in saying that they operate under riding instructions. They make their decisions independently of Australian governments, but it is important that we not provide the factors that will in fact lead to them increasing interest rates, because it is increases in interest rates that will hurt families in Canberra and hurt businesses in Canberra. The very people whom the government are telling us are the ones whom they are most concerned about—those working poor—are the ones who will first wear the brunt of increased interest rates. They are the ones who are living on credit cards. They are the ones who have got high mortgages or are going to be faced with rents going up because landlords have got to service a high level of debt. So you do not do them a great service by supporting runaway claims. You do support their interests by supporting moderate claims and I urge the minister to apply that philosophy rather than simply jump to the instructions that come from all the other state Labor governments.

We have heard this talk about a minimum wage being, US style, $3 an hour. I heard Bob Carr the other night on that. I know Bob Carr lived in America about 20-odd years

ago for a while—or spent some time there, I should say—but really things have moved on from $3 an hour. Nobody in Australian politics is advocating $3 an hour as a minimum rate of pay. The federal government has advocated reforms and I am sure that we will have the opportunity to discuss those as they might impact on the ACT's affairs in due course.

The living wage case is an important part of the process in Australia. I do not think it works well, in that it is constantly flat dollar amounts and therefore it continues to lead to inequities in the bands of employment classifications. I also think that it is a very arbitrary process in applying one set of equations across every employee in Australia, many of whom live in different environments and work in different industry sectors. As a result, employers are frequently compelled to make hard decisions based on the outcomes that they can afford, and invariably those decisions can result in letting people go. Those concerns I have outlined today are the views of the opposition.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.08): Anyone tuning into Mr Mulcahy's speech would think the sky was going to fall in. They would think we were asking for double the minimum wage.

We are talking here about people who earn $460 a week getting a decent wage increase in line with wage increases around Australia. Current wage increases are sitting at around 3½ to four per cent per annum. That is what this wage increase of $20, which the territory government has supported, is. It is not about creating a society where there are going to be tremendous job losses, businesses unable to operate and the lowest paid workers being worse off than they are currently.

Mr Mulcahy, you speak, I think, of such tremendous impact—as Mr Gentleman said, disastrous impact—on someone who earns $460 a week getting a $20 a week pay increase. It is absolutely astounding. I would be surprised if any of us here in this chamber could live on $460 a week. It would be interesting to know what pay rises all the people working for the Business Council of Australia and the Australian Industry Group are getting at the moment. I bet you they earn a little more than $460.

Mr Mulcahy: What have they got to do with it?

MS GALLAGHER: You are them!

Mr Mulcahy: No, I am not them; I am sorry.

MS GALLAGHER: Everything I have read from the Business Council of Australia and the Australian Industry Group you have just spoken into the microphone. For all the people who oppose the reasonable wage outcome that the combined governments around the state and territory are seeking, I bet you they are earning a little more than $460 a week, and I bet you they do not lose their jobs when pay rises go up—probably in excess of $20 a week, I would imagine.

The living wage case is an essential part of taking care of those people who do not get the benefit of increased wealth. I think Mr Mulcahy referred to them saying, "The majority of people in Australia do very well." That is true; there are a lot of people who

do very well—hopefully the majority. There is also an enormous group of people who do not get the benefit of increased wealth. The living wage case is about addressing that, it is about ensuring that there are advocates to make sure that the people who are earning the lowest wage possible are keeping in line with current wage outcomes.

That is the submission that the combined state and territory governments have seen. I would be interested to see if Mr Mulcahy has read the extensive, 65-odd page submission to the living wage case, which contains data from ACIRRT from Sydney University Economic Group. The submission contains very considered economic data to support the case to argue for a $20 a week increase. When making decisions about the living wage case outcome the industrial relations commission considers the submissions from the states and territories—and from the federal government, if they make one—from the IMF, the OECD, from data from the Household, Income and Labour Market Dynamics in Australia and from NATSEM, the National Centre for Social and Economic Modelling.

There is quite a deal of considered economic data going into this to support the claims provided by the state and territory governments and the union movement. On the other side, there are submissions from employer associations, who argue that the sky will fall in unless people get only a $10 a week pay increase; that if they get $10 a week, then none of these bad things is going to happen; but if they get $20 a week, then all of these bad things are going to happen.

The AIRC's job is to take all those submissions, consider them and then make a decision based on all those submissions. It is a fair way of doing it. Everyone cooperates and it delivers, I think, a fair and fast outcome for all the workers who depend on this. It is the only way they are going to get a wage increase. They do not have the benefit of EBAs to support them. This is their only avenue for an increased income, to ensure that they are keeping apace at four per cent in terms of a wage outcome. If all these terrible things were going to happen, why would they not be happening to all the other people who are not working on minimum rates awards, to the thousands of workers who operate on EBAs that are delivering four per cent outcomes?

Mr Mulcahy interjecting—

MS GALLAGHER: The current wage index is moving around that figure, and this is what this figure is. Why should we exclude them? Why is it all right for everyone else who is not on an award to get increases of around four per cent but if everyone who operates an award gets four per cent, all of a sudden there are going to be no jobs, and businesses are going to close.

When it is asked of those providing submissions who are opposed to the living wage case to show where there are job losses linked to increased wage outcomes, they cannot come up with it. It is one of those age-old things: if you get a wage increase it is going to equal job losses; but when you say, "Okay, show me where the job losses were when there were wage increases," all of a sudden there is absolutely no data to support that.

Mr Mulcahy: Where were you in the early 1990s? There were a lot of people out of work!

MS GALLAGHER: You know, this question has been asked over and over and there are no figures to support it, otherwise it would be operating in every industry, not just in those on award rates. If that argument were to hold fit, why would it just be those on the minimum wage over whom the sky was going to fall in? It is not logical. In the ACT there are 40,000 workers on award rates, and these are the workers we want to look after. These are the ones for whom we say, "Yes, 20 bucks a week to help you and your family—or you, if you are a single person—to meet increased costs and to be in line with other outcomes." They are the people we are after supporting.

Mr Mulcahy did not say what he would support or what he thought would be a fair wage outcome, but the ACTU has sought $26.60. I have not seen the employer submissions, but traditionally they will sit around $10 or $11, and the governments have called for $20. As I said—I do not think Mr Mulcahy was listening—those submissions, which you can read because they are public documents, provide very strong economic data to support the call for $20 a week. It is not $20 out of the blue, because we think that is what they can afford; that is the submission we have provided. Last year I think the claim was similar. I think the ACTU's claim was for about $27, the territory and state governments supported $20 and the commission found for $19. The sky did not fall in when that happened.

If you look at the US model—which I think is the system we are heading to; I think even the Prime Minister has said that he likes the US model—the US Congress has recently rejected an increase to the US minimum wage. The US minimum wage is now stagnant at $5.15 an hour—so that is $A6.70 an hour. In March this year Edward Kennedy moved to raise the US minimum wage by $2.10 over the next 26 months and lost the vote—46-49. In America, about 7.3 million workers would have benefited from that wage being lifting, and they missed out.

Mr Mulcahy said Australia is the best place, and that we have the highest minimum wage. We are proud of that. We are a country of wealth. This is about sharing wealth and making sure that those who are the lowest paid get a decent wage. I do not know if you would come to work, Mr Mulcahy, for $12.30 an hour. Would you? I do not know if any of us in this chamber would—and do the work that is required of the people who are working on the minimum wage. You say that, because it is more than the American model, then we are doing okay and that that is an argument not to increase the minimum wage by a fair measure of what everyone else is receiving in Australia at the moment.

Everyone else is receiving wage increases of around four per cent. In saying that the people affected by the living wage case should not earn that, you are saying that they are not good enough to earn what everyone else is earning, and that is wrong; it is not a sound argument. We will continue to support fair wage outcomes for Australia's lowest paid workers, regardless of what the federal government does to the industrial relations commission's powers to arbitrate and make decisions in this area. We will continue to argue for the lowest paid workers, to make sure that they get a fair go, even if the federal government decides that they do not deserve one.

DR FOSKEY (Molonglo) (4.18): Like Mr Gentleman, the Greens regard the national living wage case as vitally important to all Australians. It is the mechanism by which our society establishes a community standard below which we do not go in remunerating

people for the work they perform. It is also our way of ensuring that all workers in this country share in the benefits derived from Australia's economic prosperity.

Without an independent umpire to decide how these benefits should be apportioned it is likely that those workers not represented by a strong union will be unable, in the future, to negotiate a wage rise. As usual, it will be part-time, casual, unskilled and semi-skilled workers, predominantly young people—and older people—women, and people from non-English speaking backgrounds who will be most affected by the cessation of the living wage cases. These are the people with the least ability to articulate and negotiate their way around a complex system.

It is deplorable that we, as a country, are considering returning to the bad old days where might rules the day in relation to wage rates and conditions. It is very disheartening to watch the unravelling of machinery for social equity and fairness that has taken decades to build. I think that is what is most depressing about all this—the knowledge that in the future someone is going to have to start rebuilding it all again.

The Greens support the continuation of our collective bargaining system, particularly in relation to the provision of a minimum safety net for our lowest paid workers. Our preference is to see the income disparity between Australia's highest and lowest workers reduced rather than increased. It remains incomprehensible to us that our corporate sector pays some workers hundred of thousands—in some cases millions—of dollars per annum and others less than $25,000 per annum. Who evaluates the relative worth and contribution of these workers, and who decides that one is worth so much and the other so little? Apparently this judgment is the employer's alone.

I commend the ACT government for joining with other states and territories in supporting a $20 a week increase to minimum award wages under federal awards. I also agree with Mr Gentlemen that the living wage case is vitally important to all Australians. I wonder, however, at the benefit to anyone of discussing this matter at length in the Assembly when nothing we say here will influence either the AIRC or the federal government. I would prefer us instead to be discussing here how the ACT government could militate against the effects on the work force and the community of low wage rates in certain key occupational areas in the ACT, for example, care workers. This is a matter I will address further, later this afternoon, when responding to Mr Gentlemen's motion on working conditions in the ACT.

MR DEPUTY SPEAKER: The discussion is concluded.

Employment conditions

Debate resumed.

MR MULCAHY (Molonglo) (4.22): I am pleased to say a few words in relation to the motion standing in Mr Gentlemen's name, commenting further on matters of industrial relations. Mr Gentlemen asserts in his proposal that the Office of the Employment Advocate pushes employment contracts that distinguish between voluntary and compulsory overtime. I think that demonstrates a lack of understanding of the role of that office because what he should know as a former industrial official—and I am sure many

of his colleagues know—is that the Office of the Employment Advocate does not advocate any particular type of employment contract.

The employment advocate applies the "no disadvantage test", which is: taken as a whole, does the AWA coming before them that is the subject of this proposal make the employee better off, or ensure that the employee is not disadvantaged relative to the prevailing award conditions under the Australian Industrial Relations Commission?

If the employment advocate is satisfied that there is no disadvantage to the employee, the AWA is improved. The employment advocate might distinguish between voluntary and compulsory overtime or calculate hours by average, rather than consideration of actual hours worked, but he does not prefer or advocate one over the other. Indeed, this is an area that points to a fundamental flaw in the motion before the Assembly.

It would be quite misguided and unfair to present any resolution to the effect that, "This Assembly expresses its concern about the Office of the Employment Advocate in advocating any particular employment contract," because the employment advocate does not do that in any case. He looks at all the provisions of the proposed agreement—not one or some—and must be satisfied that, overall, the employee is better off. It is the total result that counts, not one element of the AWA. That is the whole point of having these facilities to create flexibility—so that the total package of arrangements can be examined. I know this is not a theoretical test, it is in fact in practice—having dealt with the employment advocate's office in a previous life and finding, from time to time, particular proposals that make the mark.

The employment advocate looks at all the provisions of the proposed agreement and must be satisfied overall that the employee is better off. It is the total result that counts, not just one element of the AWA. One provision, such as overtime arrangements or hours worked, in isolation does not mean anything. AWAs are strictly confidential and they are individual contracts. They are designed to meet the personal needs of employees, and their essential characteristic is one of flexibility. That is the whole point of having these contracts.

In the early stages of the employment agreements under the previous federal Labor government I had a meeting with Laurie Brereton, who was then industrial relations minister. He was complaining to me about the fact that people would not go into certified agreements, or whatever they were called at that time, in the hotels. I said, "The fact of the matter is, minister, that people don't need us to go in and interfere with those arrangements." I said, "People have flexibility." It was not necessarily according to the law, but they had flexibility. Someone might have said, "I don't want to work Friday but I will work Saturday," and everybody was happy.

He said to me at the time, "My family have been in pubs; you're right; you have a fairly flexible and loose arrangement." I could not say that that was technically correct, but I could say that it worked and that each side of the equation was very happy with it. It did not need an employer association representative to come tromping in there telling them what the laws of the land were; and it certainly did not warrant a union official going in and telling them that they were going to create a formal process of bargaining between the parties which would result in a signed legal document. I think the AWAs go a long way towards preserving flexibility in the workplace. They keep things legal but

ensure that people are not exploited. I think it is very important that at some point the unions, as I said earlier today, comes to appreciate the fact that the marketplace has changed.

I had a meeting with the ACTU several years ago because they were running into trouble in getting people to become members. They said, "Can you give us some marketing advice?" It was very evident then, because they were struggling, that they no longer knew what the people out there, whom they purported to represent, were really into. The issue that I think is coming through loud and clear there is that the union movement is rapidly falling out of touch with the so-called constituents they purport to represent.

In relation to AWAs and the role of the employment advocate, different people have different needs. Most of us want choice to suit our individual circumstances. We are not all working under production line factory industrial revolution-type conditions anymore; people want to have that degree of flexibility. That is where these industrial relations arrangements that now exist in this country work wonderfully well.

I am pleased to see that Mr Gentleman acknowledges, at his point three, the benefits of AWAs in providing flexibility, especially the family-friendly conditions that individuals have negotiated. But I would suggest that Mr Gentleman turn his attention to the union movement, which consistently opposes more flexibility. Again I will reflect back on previous industrial negotiations in which I used to have to do battle with unions because employees in front-office jobs in hotels said they would like to earn a few more dollars in banqueting on Saturday nights.

The work was there, the demand was there, the hotels had the business. These young people said, "I want to pick up a few more dollars"—but that was not allowed under the award. That was heresy and they were worried that that was going to cost some jobs that in fact were not there in the first place. They were desperate to get labour, and young people in hotels around Australia were keen to do the hours. We had battles galore to try to get acceptance of that degree of flexibility.

It seems to me that the only opposition you hear in this country to greater choice and flexibility comes from trade unions. They seem to be faced with declining membership; they are struggling to maintain relevance; they cling to terms like "the exploitation of workers". You almost have to go into political treatises to see these terms used anymore. If you talk to the average young person, they really do not know what you are on about.

This is reflected in the fact that when some of these union leaders come down from Sydney they make the occasional visit and make a bit of a show. In many businesses in Canberra they struggle to get people who will even give them the time of day. I could cite some specific examples. I will not embarrass the employers in Canberra by naming them, but they have had to struggle to try to convince people to even listen to these officials who come down from Sydney.

It was interesting that, in the work and family test case, the ACTU opposed proposals to free up employment arrangements that would make life easier for people to try to balance work, family and social commitments. In particular, the ACTU resisted part-time provisions and therefore continued its discrimination against women. I would like to hear what Mr Gentleman and other members of the Assembly say about this.

It might be of some comfort to Mr Gentleman to remember that the AWAs were adopted by the Senate when the government did not have the numbers. It still does not have them but it will shortly. This shows that most members and senators, not just those of the coalition, saw the logic of freeing up workplace arrangements. Since that time Australian workplace agreements have become increasingly popular. In fact, their popularity is such that the number of AWAs approved per month increased from 5,000 in March 2002 to 22,500 by the end of 2004—a more than fourfold increase.

This is an increase in a concept that is apparently appalling, is likely to lead to the disruption of families, is opposed by people and is being imposed on them by government. I do not think so; I do not think that is the fact. I think the fact of the matter is that this is what happens when you give people choice. This model and the work of the Office of the Employment Advocate is an example of successful modernisation of workplace practices in this country, which is what we need to be globally competitive.

It is interesting that 86 per cent of Australian workplace agreements have been taken up in the private sector. Those outside the heavily regulated environments are embracing these concepts because it gives them the opportunity to develop attractive mechanisms to retain their employees and also ensures that employees have a more attractive working environment. The main purpose of these AWAs is flexibility; that is, arrangements that best suit the needs of individual employees—not the unions but the individuals. What is really behind this motion is the contest between the primacy of the union movement and the primacy of the individual. That is the big difference at the end of the day in the philosophical positions of each side of this Assembly. I am for the individual and their associated family and community needs. That is why I favour AWAs.

I understand that Mr Gentleman is for the union and that that is where he wants to pin his colours. The agreements that are there were established under the Workplace Relations Act in 1996. There are many safeguards in there that aim to ensure that employees are not disadvantaged when they enter into AWAs. As I said, there is the "no disadvantage test", and there are procedural requirements that must be satisfied before an AWA can be approved, including that an employee receives a copy of the AWA at least the required number of days before signing, which is 14 days for existing employees and five days for new employees.

The employer has to explain the effect of the AWA to the employee and, most importantly, the employee genuinely has to consent to the making of the AWA. The employment advocate's consideration of employee preference in relation to voluntary overtime, which has been mentioned in this motion, takes into account the full range of monetary and non-monetary benefits that accrue to an employee under an AWA and the relevant award. Interestingly, there are changes coming down the track, as I am sure my colleagues opposite know, through simplification of the agreement-making process. This new measure will in fact enhance employee protections by providing an express power for the employment advocate to revoke AWAs and to recover shortfalls of entitlements on behalf of employees. It will also strengthen the employment advocate's role in relation to compliance.

I can talk at length on this issue because it is one in which I have a particularly keen interest and one on which there is an abundance of supporting material. But in the

limited time available I will draw to the attention of members of the Assembly some of the material that has been put out by the employment advocate. In particular, they have produced a publication related to workplace agreements. They have surveyed employers and workplaces to see what people think. What they say is contrary to the suggestion that these hours are all the issue. According to the people they surveyed, sound business decisions drove their family-friendly arrangements; the flexible hours proved to be the most popular family-friendly provision amongst interviewees; and many financially-based benefits—such as pay, parental leave and childcare support—assisted employers in recruiting and retaining quality staff.

Whom did they survey? Were they BHP and people like that? No, they were not; they were people like the Aboriginal Legal Service of Western Australia, the maritime college, Crafty Kids—a small Adelaide firm—the Kyeema Centre in Portland, the radiation oncology group in Sydney and the Australian Prudential Regulatory Authority. I will hold my comments for today on that organisation, but the others to me represent a pretty good mix of people to ask how the methods of flexibility have been working under the AWAs.

The Adelaide Casino is in there too. They have set up an arrangement for employees to be able to access part of their annual leave as single days—so they have given them options there. They have found that that has been enormously well received by the employees. It allows the employees to negotiate additional unpaid leave each year. Because their salary is averaged over the year—this terrible thing of averaging—employees receive slightly less each week and, in addition to their 20 days paid regular leave each year, they can have another 20 days programmed.

At the Kyeema Centre in Portland the staff work in a very demanding environment. In conducting a review of services and remodelling them based on client needs, the centre's management asked staff to consider what was best for them and their positions. They said, "What about more regular time off without pay?" A message has come through from their experience. They said that it has been a brilliantly successful measure of flexibility because they have certainty in planning breaks. Their system has been in place for some years and the staff is happy with regular and extra time off. The staff is happy. It seems that the only people who have a problem with this are the trade union movement, because they are finding that people are less reliant on them.

The days of having to be intimidated or exploited and having nowhere to go other than to a union official are behind us in this country. There are rogue employers—I would be the first to acknowledge that—and there are rogue employees, but I think we now have a modern system reflective of modern industrial practice. We go on to others, such as Radiation Oncology of Sydney, where they brought in paid maternity leave because there was a shortage of staff. The management there believes that the family-friendly AWAs are crucial to their business. The list goes on.

The resolution as proposed does a grave injustice, in my view, to the Office of the Employment Advocate; it does a grave injustice to the large number of Australian people who are enjoying the benefit of flexible working arrangements and AWAs; and it does a gross disservice to the many employers who have embarked on formalising these arrangements and put in the time, effort and hours to understand what people who work in their businesses really want. I know that from personal experience. I am sorry to see

this resolution put forward in the Assembly because I do not think it supports good motives, and I do not think it is a message that promotes unity between employer and employee.

MR DEPUTY SPEAKER: The member's time has expired.

DR FOSKEY (Molonglo) (4.37): Mr Deputy Speaker, ACT Green policies recognise the importance of workers being in a position to balance personal responsibilities with their working life. We call for equal pay for equal work, family and community-friendly work practices, portable worker entitlements and flexible working hours. Some years ago, the French Greens joined the Socialist Party in France to mandate the 35-hour week to create better work/life balance and create more jobs. While this was unpopular prior to its introduction, with many, particularly employers, calling that the sky would fall in, it was actually found to be a very popular measure and one that advantaged employers and employees alike.

We recognise that the work performed as part of the paid workforce is but one component of a person's life. This is something that employers sometimes forget. We know that many other factors play a part in determining whether a person has a good life. For most people, the good life includes satisfying relationships with friends and family, recreational activities, paid employment and community service activities. At certain periods of their life, it will also include significant caring roles in relation to children, parents, partners, relatives or friends. It is vital for the health and wellbeing of individuals in our community that people are able to pay due attention to all these areas of their life, not simply their employment responsibilities.

It will enable better sharing of household tasks if neither partner in a relationship can claim to be too busy due to work demands. It will be better for children if parents have flexible enough hours to stay home when children are ill and worn out, rather than inflicting those children on the school and childcare to deal with.

Earlier in the life of this Assembly, I supported the changing of our hours of operation to allow for other responsibilities to be managed. It is important the Assembly not only pay lip service to recognition of work-life balance but also model and encourage working arrangements that support this practice.

I want to refer to an article that appeared in the *Sydney Morning Herald* yesterday. It is interesting and relevant to this topic. The report refers to a study by Access Economics and makes these points:

> The working day could be redrawn so that all vital business happens between 10am and 3pm to reflect workers' demanding lifestyles … And childcare could be tax deductible and workers could draw on their superannuation to fund parental leave.

I am not saying I espouse these things; I am just referring to the kinds of flexibilities that there are. The report continues:

> Having core business hours between 10am and 3pm would allow people to work from 7am to 3pm or 10am to 7pm, in accordance with their family needs, such as dropping children off at school and picking them up.

That, of course, assumes people are full time. The report continues:

> The definition of the family must also change to include not just the nuclear variety but a 21-year-old with a dog …

It also makes the point that one of the biggest issues for workers is fitting in those things that they have been told to fit in, like doing enough exercise to overcome the problems of ill health. At the moment that is very difficult for some. We must take care, however, that any flexible arrangements are negotiated, with the employees' needs and situation in mind, and ensure that flexible arrangements do not become another means of manipulating employees to fit employers' convenience.

I am particularly pleased to be invited by this motion to support appropriate remuneration for work performed. I hope that the government, in moving the motion, is committing itself to take action to correct the disparity that exists between the employment conditions of the community sector and government workers. We know the community sector workers in the ACT receive approximately one-third less remuneration than their counterparts in government. They get just over half the superannuation of ACT government employees, fewer days long service leave and more limited training opportunities. They mostly work with old equipment and in facilities in need of maintenance or updating.

The remuneration and conditions of community sector workers depend largely on the quantum of funding and support provided by governments, both ACT and federal, to the sector through their funding agreements. Proper pay and conditions for staff rely on governments being prepared to pay appropriately for the services they ask or expect community organisations to provide.

The ACT government has recently agreed to appoint a task force to investigate and make recommendations in relation to industrial matters affecting the community sector. While this is a good start, it has been a long time in coming for a sector that is now struggling to attract and keep high-quality staff through a failure to offer competitive pay and conditions. We know now that some services, particularly those providing support and care for the most vulnerable members of our community, are suffering ongoing staff shortages, which are negatively impacting on the quality of care they are able to provide.

I urge the ACT government to put its money where its mouth is in relation to appropriate remuneration to the ACT community sector and to take action that recognises the value to the Canberra community—

Mr Mulcahy: On a point of order, Mr Deputy Speaker: this seems to be anticipating debate on a bill related to long service leave portability for the community sector. Are we drifting into this matter? I thought this was on the Office of the Employment Advocate and related matters.

DR FOSKEY: That is just one very minor part.

MR DEPUTY SPEAKER: Dr Foskey, could you just resume your seat. Are you taking a point of order there, Mr Mulcahy?

Mr Mulcahy: I was, in anticipating discussion of a subject that is on the notice paper.

MR DEPUTY SPEAKER: Dr Foskey, I would just remind you: do not tread that line too tightly. Mr Mulcahy, there is no point of order at this point.

DR FOSKEY: Thank you. I urge the ACT government to value appropriately the work of those people who provide support and services to vulnerable members of our community. The government is also making an important statement about its commitment to community participation, recognition of and respect for our most disadvantaged citizens.

It is certainly true that the federal government's approach to industrial relations has the impact of making work-life balancing more difficult for many employees. It is not true, however, that the federal government must take responsibility for all that is creating difficulties in this area. Before the ACT government takes too much pleasure in blaming the federal government for our out-of-balance system, it really must get its own house in order. Only then will motions such as these not be regarded as political grandstanding.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.45): I thank Mr Gentleman for putting this motion before the Assembly for debate. This government has a strong record of supporting progressive industrial relations practices. With the other state and territory governments, as we have just discussed, we have made submissions to the national wage cases, supporting socially just wages; and to the work and family test case, advocating reform to provide workers with a greater ability to balance work and family commitments.

By contrast, the federal government has consistently sought to entrench lower conditions in the workplace, whether it is through attacks on the living wage case and the commission or weakening collective bargaining in workplaces through the use of AWAs. As Mr Gentleman has already pointed out, many people have huge concerns about the use of AWAs and the effect that they have on eroding fair conditions of employment. This new template from the Office of the Employment Advocate has raised similar concerns with some, particularly in relation to work and family conditions.

The issue of work and family balance has become a focus of political, community and workplace debate. There are three key reasons why work and family balance is increasingly an issue for Australian workers. We have to ensure that the debate on the work and family collision continues and that we recognise the social as well as the economic effects of changing workplace policies and workplaces on individuals, families and communities. I think that this is central to what this motion is all about.

The changes in the way we work have been extreme in the last decade. Legislative changes are now creating new workplace cultures that are impacting on the way people balance their work lives with family and community responsibilities. The federal government, through its workplace policies, has also failed to recognise the changing demographic characteristics of our workplace and the employees who work in them.

Firstly, changes in family formation, living arrangements, marital separation and labour force participation, especially maternal labour force participation, mean that, in the majority of families with dependants, all adults are in paid employment. Only one-third of dependent children in couple families and half of those in lone parent families have a stay-at-home parent. At the same time, the proportion of the population requiring care has increased, and it is predicted that this will continue. This has been accompanied by a reduced reliance on institutional care and increasing reliance on community care.

These changes in family life have been accompanied by changes in the way work is organised. In response to competitive pressure, there has been the extension of long hours of work and the introduction of employee-initiated flexibility over working time.

For much of the last century, Australia led the world in fair working time. Almost one-third of full-time employees now work more than 48 hours per week. More than half of these are non-managerial, and a third of those work more than 60 hours per week. Australia has the largest proportion of employees working long hours, according to the OECD. Australia is now the second-longest working time country in the developed world. It is time once again to civilise working time.

Forty-nine per cent of men and 61 per cent of women working more than 45 hours per week say they want to work fewer hours. Fatigue and lack of time for non-work activities, including family, is a huge issue for these workers. At the same time, there has been growth in the evidence which now makes it unambiguously clear that working in excess of an average of 48 hours per week represents probably the largest occupational health and safety risk faced by Australian workers today.

The variation in the number of hours worked gives rise to an unstable and inequitable distribution of work. The unpredictability and instability of hours of work further compounds the risk to the health and safety of workers. Another great inequity is that 60 per cent of overtime is unpaid. Much of the growth in long hours of work and unpaid overtime is due to work intensification caused by reducing staffing levels and increased expectations in many industries, as well as increased employer control through various forms of performance monitoring. For a worker to decide to work fewer hours, base wage rates must be at a level that provides a fair standard of living, without the reliance on overtime. Often this is not the case.

The ACT government has taken the lead in this territory in providing work and family conditions for ACT public sector workers and in providing innovative options for the private sector to improve their work and family conditions. Our new template with the public sector includes excellent conditions in relation to bereavement leave, personal leave, paid maternity leave and parental leave, as well as conditions such as purchased leave, which will enable family members to better structure their working lives. In the private sector we have introduced new payroll tax deduction for employers who extend paid maternity leave provisions to employees.

In our election commitments we committed to look at a range of new incentive schemes. We are currently working with business in the ACT to promote these new policies and ensure the private sector does not miss out on better conditions. As Mr Mulcahy pointed out, we introduced last week a bill to amend the Long Service Leave Act here to ensure

that workers in the private sector can access their pro rata long service leave entitlements after seven years rather than 10, and that applies to community sector employees.

In relation to some of the comments that Dr Foskey made: this government, when we were first elected, ensured that millions of dollars—I cannot remember the actual figure because it was in Minister Wood's portfolio—that had not flowed on to allow for SACS award increases was provided to the community sector. As I have said before, the work that we are doing now to actually scope the situation in the community sector to look at whether we can have EBAs in the community sector, and to do this work through the community sector task force, has already begun and is a key priority for me.

We do not walk away from our responsibilities to the community sector, but we need to be able to afford the increases that may come from this work. We also need to know that they are flowing on to employees. Quite often in the community sector, a grant is provided to an organisation; they then determine how that grant is acquitted; and there has not been a great deal of information provided back to the government in relation to industrial relations obligations. We need that work to be done. That is part of the task force's work, because, like in any area, there are, I believe, operators in the community sector that do not do the right thing by their employees. We need to make sure that we are tightening up our responsibilities around that area.

In relation to AWAs: I differ strongly from the position put by Mr Mulcahy. I do not think they have been a great new measure introduced in the industrial relations framework. I think individual contracts were always able to be entered into prior to the Workplace Relations Act, but the AWAs being introduced under that federal legislation have hidden those arrangements, made them less transparent and, in many cases, divided workplaces and ensured, certainly in the public sector where they have been used, a lack of transparency as to who is getting what for the same job. I do not think that has necessarily benefited those with the least bargaining power. I think it has probably worked to the benefit of those who can bargain very strongly for their own position.

That is why we have always been in support of the no-disadvantage test, which was required by federal law, to ensure that all AWAs are accessing minimum conditions of industry and that people are not forced to negotiate below agreed wage and condition levels. We have had some concerns about whether that test has been adhered to—not just the ACT government but governments around the country—and we are certainly not convinced that the no-disadvantage test has actually worked or has actually been capable of delivering fair outcomes for employees.

In conclusion, the ACT government believes that workplaces must provide employees with work practices which support the choices they make about family formation, the care of children, of elderly family members, transitions out of and back into work for carers and the ongoing management of caring responsibilities. I have concerns about any agreement that leaves open questions such as casual leave loading and entire wages packets for casuals. I also have concerns about any agreement that leaves open the minimum hours of work that can be set for an employee.

It is important that we in this chamber ensure that people are not falling through the cracks and are not being forced into the poorest working conditions, well below what we believe is acceptable community standards. So I support the motion brought forward by

Mr Gentleman about the importance of workers having access to secure employment, regular working hours and appropriate remuneration for work performed.

MR GENTLEMAN (Brindabella) (4.55), in reply: Mr Deputy Speaker, in moving this motion, I was entirely aware of the diversity of opinion in this chamber on these fundamental issues of industrial relations. The actions of the federal government, however, belie their rhetoric that the industrial relations system in Australia requires deregulation.

This template demonstrates that the commitment of the federal government is to aggressive intervention into the lives of working families. We have a responsibility to work with families, unions, businesses and the community of the ACT to achieve a balance between our working lives and our family and community involvement. This is the recipe to economic growth and prosperity and to sustainable and engaging social relationships. To achieve this balance, it is essential that workers have the space and the autonomy to achieve the balance between work and family.

Research, statistics and the very real experiences of workers in the ACT demonstrate that this space requires secure employment, regular working hours and appropriate remuneration for work performed. Flexibility and employment relationships are crucial to workers trying to achieve this balance. Flexibility can be beneficial to business, too, particularly in terms of investing in and building a commitment to hard-working and skilled works. To realise these outcomes, we must realise the very real needs of workers, their families and the communities involved. Work-life balance can be an elusive goal but it is not unrealisable.

The role of government is crucial in this realisation, and it is this motion that serves both to recognise this and to ensure that all levels of government are committed to achieving this goal for sustainable economic growth and social prosperity. I urge you to support the motion.

Question put:

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

The Assembly voted–

Ayes 10		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Motion agreed to.

Statutory office holders

DR FOSKEY (Molonglo) (5.01): I seek leave to amend my notice of motion.

Leave granted.

DR FOSKEY: I move:

> That this Assembly:
>
> (1) acknowledges the invaluable contribution to the Territory of the ACT's outgoing Community Advocate;
>
> (2) recognises that the ACT Government has publicly advertised for applicants for that position;
>
> (3) calls on the ACT Government to commit to a transparent, merit based selection process in appointing and in principle re-appointing all commissioners and statutory office holders.

Mr Speaker, in moving this motion, as amended, I have actually, I hope, anticipated concerns that might be raised from other parts of this house. That is my explanation for moving a slightly amended form of the notice of motion.

As we all know, Heather McGregor has performed the role of Community Advocate for the benefit of vulnerable people in the ACT since the creation of the office in 1991. The Office of the Community Advocate has a range of statutory powers and functions in relation to children, young people and adults with mental illness and impaired decision-making ability who require protection from abuse, neglect or exploitation.

The Community Advocate has the difficult role and task of taking decisions about the best interests of people who are unable to do so for themselves. Often these decisions must involve conflict with family members, service providers and departmental representatives. Nothing about this role is easy. It brings few friends and grudging respect, at best.

Heather McGregor has never shied away from making the difficult decisions. She has performed her role over the years in a way that has held the government and community accountable for their actions, and she has taken the opportunities offered by her position to highlight systemic issues negatively impacting on the lives of those she has been charged to protect. For all these reasons, the Greens would like to take this opportunity to acknowledge the commitment and dedication shown by Ms McGregor over her many years in the position.

The Community Advocate and the other statutory oversight positions, for example, the discrimination commissioner, the human rights commissioner and the disability commissioner have all been created to promote and protect the rights and interests of Canberra's vulnerable people. Many of these people are not in a position to speak for themselves and so rely heavily on the incumbents of the statutory positions to ensure that fairness and equity are accorded in matters that affect them.

Other statutory positions exist to protect the integrity of democratic processes, for example, the Electoral Commissioner; or to protect the public interests, the Commissioner for the Environment. In all cases, they had been established at arm's length from government and in statute because the satisfactory performance of their roles requires independence from government and adherence, first and foremost, to the principles and requirements of their enabling statute. These roles are never easy and generally require detailed understanding and delicate balancing of individual rights, the public interest and government responsibilities.

It is vital, therefore, that the persons appointed to these positions are the very best people that can be found for the jobs. They must be people with good character, reputation and integrity. They must be highly regarded in the community because their decisions set the community standard in relation to public service, human rights and care for our most vulnerable people.

They must be fearless in confronting injustice, poor process and damage to the public interest, whether perpetrated by government, bureaucrats, services or community members. They must be highly skilled and experienced in interpreting and implementing complex legislation, and they must be knowledgeable about the challenges and issues facing the people or interests they are charged with protecting. In spite of their positions of power, they must also understand what it means to feel powerless and marginalised in the Canberra community and be prepared to advocate relentlessly for a society which values and includes all. This is no small list of selection criteria and may not accord with the kind of criteria that the government would like to apply to such positions.

Those who rely on statutory officers to keep the government and the community on track in relation to their interests and needs are entitled to be clear about what is expected of incumbents and the basis upon which they are chosen. Political appointments to these kinds of positions can be particularly damaging because they have the potential to seriously jeopardise the ability of the officers concerned to be critical of government and bureaucratic activity.

Many statutory office holders are charged with investigating complaints about government behaviour. If they are perceived to be or are in fact too close to government, then they will not be able to perform their statutory roles effectively; nor will they be effective protectors of the interests of the people they are charged with looking out for.

It has been suggested that, while it is okay to have a merit-based selection process for the initial appointment of commissioners and statutory office holders, it is not appropriate for the government to be put to the considerable expense of re-advertising and re-interviewing potential office holders when a contract falls due for renewal. Currently, most statutory office holders are appointed for a five-year term. In this time they will have developed a good deal of knowledge about their role and have established many relationships.

In many cases they will have invested enormous emotional and intellectual energy in achieving gains for vulnerable people or for the public good. Inevitably they will also be tired and perhaps somewhat dispirited because it is impossible to continually hold the large bureaucracy to account without some sense of weariness setting in. It is impossible

also to truly stand in the shoes of marginalised and disadvantaged people without feeling some of their pain. Sometimes it is important for a fresh approach to be brought to bear on somewhat difficult and intransigent issues. Sometimes a statutory office holder will have made so many enemies in the course of fearlessly carrying out their duties and functions that a new person will be needed to facilitate a more cooperative approach. The roles of statutory office holders are so important that these matters should be considered whenever a contract falls due for renewal.

The best person for the position five years ago may not necessarily be the best person for the position today. This does not mean that the existing office holder should not be re-appointed. In many cases the knowledge, experience and respect they have gained while in office will make them the logical choice in a merit-based process. Our argument is simply that no one person should be regarded as owning the statutory office.

The only real issue, then, is whether the cost of undertaking this process is warranted in all the circumstances. Not all re-appointment processes need to involve nationwide advertising and executive recruitment companies. Depending on the nature of the office being filled, a local advertising campaign may be entirely appropriate, for example, where it is clear that the ACT contains a range of people who might be reasonable contenders for the position or where it is unlikely that a broader campaign would yield a better applicant than the incumbent office holder. The process can remain merit-based while avoiding unnecessarily large expenditure.

I therefore urge the Assembly to support the integrity, independence and quality of our commissioners and statutory office holders by calling on the government to commit to a transparent, merit-based selection process for the appointment and re-appointment of all commissioners and statutory office-holders.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (5.11): I would like to thank Dr Foskey for moving this motion and I wholeheartedly support the formal recognition by this Assembly of the substantial achievements of the outgoing Community Advocate, Ms Heather McGregor.

Ms McGregor has served continuously in the position since being appointed as the inaugural Community Advocate in 1992, following the passage of the Community Advocate Act. The Community Advocate is an independent statutory office holder who has a legal mandate to promote and protect the interests of people who are not able to protect or represent their own interests. Ms McGregor has effectively and tirelessly carried out the demanding functions of this office, which include protecting and representing the rights and best interests of children and young people, and adults with decision-making disabilities or mental illness, who have had their rights and freedoms removed through a statutory intervention; the statutory oversight of the care and protection system; promoting the rights and best interests of children and young people in care and protection in youth justice systems; representing the best interests of adults with impaired decision making, mental illness or mental dysfunction before the Guardianship and Management of Property Tribunal, Mental Health Tribunal and all courts, and with bodies or agencies providing services; acting as guardian of last resort; acting as emergency guardian when urgent decisions or interventions are required; and representing the best interests of forensic clients.

The Canberra community has reason to be grateful for Ms McGregor's tireless efforts on behalf of its most vulnerable members over nearly 13 years. We have been fortunate to have the services of a person whose long history of commitment to improving social conditions extends well back before she took on this challenging role on behalf of the ACT community.

The job of the Community Advocate is an extraordinarily difficult one. Ms McGregor has shown deep dedication to the cause of social justice in carrying out that job since it was established. I want to take this opportunity to express, on behalf of the government and the Canberra community, our sincere thanks for the work Ms McGregor has carried out over the past 13 years in protecting the rights of those who cannot protect themselves. She will leave a lasting legacy that future incumbents of the office will no doubt seek to emulate.

In relation to the advertisement of the Community Advocate position, the position was advertised in major newspapers including the *Canberra Times* and the *Australian* on Saturday, 12 March 2005. For this and other statutory offices the government wants to find the best available person for the job. Advertising for expressions of interest is part of that process. The functions of statutory officers are defined by the legislative framework for the position and so the structure of the position is public knowledge.

This government is committed to a process of selecting people for statutory positions that delivers the best outcome for the community. But it is ultimately the responsibility of government to make the decision about which appointment will achieve that. In some cases, the appointment of a person to a statutory position engages community and interest group sensitivities, and in this context it is appropriate for the government to make the final decision.

I am advised that, under the Community Advocate Act 1991, the Community Advocate is appointed by the executive. Accordingly, the appointment is not subject to the process that applies to ministerial appointments under the Legislation Act 2001 whereby proposed ministerial appointments are considered by an Assembly committee. I am advised that this form of appointment derives historically from the appointment process that applied to the youth advocate, a predecessor office to the Community Advocate, established under the Children's Services Ordinance 1986, which provided for the youth advocate to be appointed by the Governor-General. Constitutionally, the ACT executive is the equivalent body to the Governor-General under the ACT constitutional framework and for this reason the commonwealth amended the ordinance before self-government day to pass this function to the ACT executive. The Community Advocate Act 1991 simply adopted this methodology.

With regard to the selection process for appointments and reappointments of commissioners and statutory office holders, it is worth noting that the executive appointments are treated differently under our law from ministerial appointments. Executive appointments are reserved for key judicial and other officers and such appointments are ordinarily reserved in this and other jurisdictions for detailed consideration of the executive—a consideration that often requires a merit-based selection process but which ultimately remains a matter for government. Ministerial

appointments, which may not be exposed to the same rigorous process, are exposed to discussions with the appropriate committee of the Assembly.

The processes under the two appointment streams should not be confused. They are fundamentally different. Having gone through the process outlined in relation to the incoming Community Advocate, under the law the executive is then required to make a decision. Under the law as presently cast, the executive cannot fetter its responsibility to make this decision by applying a process applicable to a different class of appointment.

I would also like to note that the government's position in no way departs from convention in either the ACT or other Australian jurisdictions. Having said that, the government will support the amended motion.

MR STEFANIAK (Ginninderra) (5.16): The opposition, too, will be supporting the amended motion. Indeed, it is probably a timely motion. It does three things: first, it acknowledges the invaluable contribution to the territory of our outgoing Community Advocate. Then there are two other things the motion does, and I will talk to them seriatim.

The position of Community Advocate is a very difficult job. As a result of the efforts of Heather McGregor, I think everyone in this Assembly has probably a much greater awareness of what the office does, the responsibilities of everyone—including, obviously, the relevant agencies in government—and the fact that there have been some significant improvements made. That is a great credit to her.

During the legal affairs committee hearings into the annual reports last Friday, I asked the Community Advocate about a number of comments she had made in the 2003-04 report. She had highlighted, on pages 23 to about 47, some ongoing concerns she still had that would raise significant questions as to whether the rights of people who cannot defend themselves, who cannot speak for themselves, are being properly adhered to. In fact, in most instances significant improvements had been made literally probably only about over the last eight or so months. That is indeed pleasing and I certainly—I am sure Dr Foskey does, too, as a member of the committee—look forward to seeing what the 2004-05 report brings, because at this stage it looks like it is on track to have some significant improvements. I do not think that would have happened but for some of the efforts made by the Community Advocate.

Twelve and a half years is a very long time. On a personal note, I have had a number of dealings over the years with the Community Advocate. I always found her a very sincere person to deal with, a person who really did have at heart the very best interests of the people she was bound to protect. In 2001 I had some conversations with her; she came to me about some concerns in relation, I think, to some aspects of the Gallop inquiry and we certainly had a very full, a very frank discussion about that and I certainly appreciated her coming to me, then as Attorney-General, in relation to some of those issues. I would urge the minister—all ministers, not just this one, not just Ms Gallagher—and the government, to ensure that they listen to the Community Advocate, whoever gets the job, and to ensure that their departments listen to the Community Advocate and the Office of the Community Advocate and indeed, if they are not doing so already, that they initiate regular contact with that office, just to make sure

that the machinery of government and all the issues that that office deals with are actually being attended to and are being looked at. If that can occur, a lot of the problems of the past will actually go away. So I impress that point on the minister and I hope that she will take it on board. I am pleased she has taken on board quite a number of things to date, and I hope that she and her colleagues will take that on board.

Secondly, the minister has just indicated what the government has done. It has publicly advertised for applicants for the position—advertised quite widely, from what the minister said—and that too is pleasing. The third point, which is important, is that the ACT government, of whatever political persuasion, commits to a transparent, merit-based selection process when appointing and reappointing all commissioners and statutory office holders. There has been a tendency, in recent years and perhaps over the last decade, to have a number of tasks, normally undertaken by just a normal department, done by statutory office holders, done by commissioners. The jobs are usually very responsible, well-paid jobs. There is an expectation in the community of a transparent and merit-based selection process—that people are simply not getting jobs for the boys or girls—and a rigour that has applied traditionally, certainly in my experience. It is generally accepted in Australia that with public service jobs there is and always has been a certain amount of rigour and transparency. People certainly expect that in any area of government, and I think it is crucially important.

We have seen in recent times some additional statutory appointments. I think there are plans now for a "commissioner alley", that is, a whole series of commissioners working out of one area. I think we have got a new commissioner now for youth services. So I do not think we are going to have fewer statutory office holders, fewer commissioners: all the more reason for it to be as transparent as possible. There has in recent times been some concern in various areas of the community, normally where people are actively involved in a certain area where there is a statutory appointment, that there has not been, or there appears not to have been, as much transparency or such merit-based selection processes in place as there should be and that those particular groups—and it flows through to the general community—would expect. So the third part of Dr Foskey's motion is very important for any government. Accordingly, Mr Speaker, the opposition is quite happy to support this motion as amended, which specifically does two things and notes one other thing.

DR FOSKEY (Molonglo) (5.23), in reply: It is wonderful how when we all agree on something we do not feel it necessary to talk on and on about it. I am not quite sure what the lesson is in that but, in this case, it is very good that I do not have to defend this motion. It seems to me to be a completely straightforward motion and if people were to disagree with it, they would really need to consider what they required of statutory oversight positions.

I think that the crucial point is that five-year reappointment process, which is where we have amended our motion. There are issues around the reappointment of a person in terms of hearing all sides of the opinions and experiences of people who have worked with the commissioner. I hope that there would always be a process that allowed that. Of course, there would be the temptation for governments to reappoint somebody who had been easier for them to work with but whom the community may not have found effective.

In good faith, we will all agree to this motion today and we are looking now with interest at the appointment to replace a very excellent community advocate—someone who will be quite difficult to follow, but who, nonetheless, will be followed—and at the appointment of a number of other commissioners where we will see this process in action. We, as Greens, will watch that with interest, as I am sure everyone else will. I commend this motion to you and look forward to achieving, for the first time, full agreement on a motion.

Motion agreed to.

Restorative justice

MS PORTER (Ginninderra) (5.26): I move:

That the Assembly:

(1) notes that;

(a) the Crimes (Restorative Justice) Act 2004 commenced on 31 January 2005;

(b) the Act achieves the Government's election commitment to expand restorative justice options in the ACT and that it also meets a key crime prevention and sentencing strategy of the ACT Criminal Justice Strategic Plan 2002-05;

(c) the scheme is considered by academics and practitioners to be innovative and progressive in its attempt to encompass the widest range of cases possible for restorative justice;

(d) the ACT scheme will be introduced in two phases, with young offenders being eligible in the first year and adult offenders in the second year; and

(e) ACT Policing will continue to conduct diversionary conferencing under the new administrative arrangements; and

(2) recognises the achievement of the Government in establishing a restorative justice scheme in the ACT that will enhance the rights of victims by ensuring they are given a high priority in the administration of justice.

I am pleased to move this motion. The Stanhope government is proud of its achievements in implementing a comprehensive and innovative restorative justice scheme for the ACT. This is yet another example of this government's ability to deliver.

The government had promised the people of the ACT that it would look at ways to expand the availability of restorative justice options and it has done so. Restorative justice is also a key crime prevention and sentencing strategy in the ACT criminal justice strategic plan 2002-05. Members may recall the Crimes (Restorative Justice) Bill 2004 was passed in August last year. I am pleased to inform the Assembly that the Restorative Justice Unit has now been established and is operational and I understand that the AFP has already referred a number of matters to it.

In the early 1990s, the ACT was at the forefront of restorative justice in Australia when two well-known local academics, Heather Strang and John Braithwaite, both

internationally renowned, were conducting the reintegrative shaming experiment, known as RISE, in partnership with the AFP. I understand that data from that trial is still being analysed and continues to inform debate on the efficacy of restorative justice.

The ACT has now built upon that experience. After extensive community consultation, the Crimes (Restorative Justice) Act 2004 represents a model of restorative justice that the community itself supports. The focus of the act is victims of crime and the repair of harm caused to them by criminal offences, whilst at the same time having restorative impact on the offender. The key vehicle to achieve these aims is the facilitated conference between the victim and the offender. This enables the offence, its impact on those directly and indirectly involved and the explanation of what can be done to repair the harm, to be discussed. Victims and offenders have the right not to participate in the restorative process and may withdraw at any stage.

The act will be introduced in two phases linked to the class of offender and the type of offence. The first phase, for less serious offences only, commenced on 31 January 2005 and covers only offences committed by juveniles. Family violence and sexual offences are excluded from this first phase. The second phase will commence in 2006 and will apply to all offences committed by juveniles and adults.

There are a number of unique features to the ACT scheme. The first, its intention to encompass all types of offence in the second phase, is considered by many practitioners, including Terry O'Connell, to be commendable. Terry O'Connell is a former police officer who pioneered the process while serving in Wagga Wagga, New South Wales. It is also an indication the government's commitment and belief in the worth of restorative justice.

Secondly, the fact that young people and adults will be eligible to participate is progressive. The government is convinced that victims of all crimes should have equal access to restorative justice processes, regardless of the category of the offence or the age of the offender.

Thirdly, police personnel are actually embedded in the Restorative Justice Unit. Police will continue to conduct conferences that are referred by their organisation but they will do so under the management of the Restorative Justice Unit.

Another unique feature of the ACT scheme is that the objects of the act are designed so that restorative justice augments the criminal justice process. In this sense, restorative justice processes in the ACT may run parallel with existing criminal justice processes. To achieve the separation of these processes, an offender may accept responsibility for an offence without its affecting his or her capacity to plead not guilty to the offence at a later court hearing. This is considered to be an imaginative solution to the concerns raised when a restorative justice scheme is established within the context of criminal justice processes.

I am pleased to advise that an offence will be able to be referred to restorative justice at each stage of the criminal justice continuum. This is another feature of the ACT scheme and will serve to maximise access to the scheme for offenders and victims. Finally, the scheme's effectiveness will be held to account by the statutory requirement for it to be

reviewed in two stages over the next three years, with a report being provided to the Assembly at each stage.

Members may recall that in my inaugural speech, and on a number of occasions since in this place, I spoke about my long-held interest and involvement in the restorative justice process. As I have previously said, in 2001 I was fortunate to travel to the UK as part of my commitments as CEO of Volunteering ACT. Whilst there I was invited by Sir Charles Pollard, then Chief Constable of the Thames Valley Police Service, to meet him and other senior officers in order that I could develop a better understanding of the RJ process and the benefits it had brought to their community.

During my visit I had an opportunity to meet with the Restorative Justice Unit and speak with the officers who headed up each part of that unit. The unit has five team leaders and covers areas such as crime, schools, neighbourhood and community disputes and police complaints. At the time of my visit, the Thames Valley had the lowest per capita number of police to population in the UK whilst at the same time having the second lowest crime figures. This obviously casts significant doubt on there being a correlation between the number of police and the resultant crime rate.

The officer in charge of the RJ unit was a former advocate of the "just lock 'em up and throw away the key" school of policing, as indeed were the other officers in the unit. However, in my conversations with him and his colleagues, they told me of their total commitment to the RJ process as they had seen for themselves the positive benefits that RJ had had on the community in which they serve. In conversations with Mr Steve Love, a then Deputy Chief Constable of Thames Valley, I asked whether he believed prisons were effective. To my surprise he answered; "Absolutely; prisons work every time." Observing my astonished look he quickly added; "For as long as the person is locked up."

Mr Love claimed that the only useful purpose jail served was to remove an offender from society; as soon as the person was released, it ceased to serve it purpose. Mr Love went on to say that a prison was also a "finishing school for criminals". He was particularly concerned that young people, predominantly males, who were given custodial sentences usually left prison far more hardened and experienced criminals than when they had entered and were, in his opinion, inevitably destined to commit further crimes leading to longer and longer prison sentences.

As members are also aware, the Stanhope government is to construct a correction facility to house ACT prisoners rather than warehouse them in the outdated New South Wales system. John Paget, the director of the prison project, has said that the ACT prison will be unique because it will be the first built in Australia to conform to a human rights act. In yesterday's *Canberra Times* Mr Paget was quoted as saying, "From the ground up, this prison will be built through the prism of the Human Rights Act and all the considerations that go with it."

I would like to convey to the Assembly a story told to me by Sir Charles Pollard about how the then British Home Secretary, Jack Straw, became a convert to and supporter of the restorative justice process. Sir Charles had invited Mr Straw to Oxford, the centre of the Thames Valley Police Service, to observe for himself a restorative justice conference. Prior to attending this conference, Mr Straw decided to attend a juvenile court to observe

that process. After the court hearing and the sentencing, Mr Straw approached the offender and asked what he thought of the process. The young offender, who at no time had the opportunity to speak in court other than to enter his plea, told Mr Straw he had committed the crime and would therefore "do the time". This was not a new experience for him and he would just accept it as being part of the system.

Mr Straw then attended the RJ conference, observing the proceedings through a two-way mirror. The offence being conferenced was a property crime similar to the offence Mr Straw had observed being prosecuted in the juvenile court. Again, at the completion of the process, Mr Straw had a conversation with the young man and asked him how he would compare the conferencing to the court system. The young man told Mr Straw that for the first time he had the opportunity to hear what effect his actions had had on the victim and the victim's family. He had not previously realised that his actions had caused such heartache.

While I am unable to advise the Assembly of a long-term outcome for either young man, the conversations had by Mr Straw led me to believe that the young man who went through the conventional court system may well still be fronting up to the court, whereas the young man who was conferenced using the restorative justice model at least had the opportunity of facing those he had wronged and had a realisation that his actions had a very real effect on the victim and their family and, importantly, the victim had an opportunity to have a real voice in the process.

Members may also be aware of the bungled robbery of a pizza shop in the Sydney suburb of Jannali about 10 years ago when a group of four young men attempted an armed robbery, which resulted in the death of the young man who was working at the shop. Terry O'Connell, the former New South Wales police officer I mentioned earlier, gained permission of two of the young men who were convicted of the crime and the family of the young man who died to participate in a restorative justice conference while the young men were serving their sentences. The other two declined to participate.

The process was filmed by the ABC and subsequently became the documentary *Facing the Demons*. One young man had no family and was accompanied by a Salvation Army officer, the other by his mother. The parents and siblings of the young man who died were also there. As members would imagine, there was a great deal of anger expressed towards the two young men. The conference was charged with high levels of anger and emotion. However, as the conference continued, the victim's family was able to express clearly the effects the crime had had on them. Whilst a restorative justice conference cannot undo the wrong that has been done, it at least is a way of allowing healing and closure for those who have been affected by the actions of others.

In a postscript, I have since been advised that the father of the young victim who, understandably, in the documentary was hell-bent on doing harm to those responsible for his son's death, has regularly been visiting one of the young men and upon the young man's release will employ him in his business.

The Assembly would also be aware that I am encouraged that this practice is being introduced in our education system and that such processes are already in place in a number of ACT schools, one of which is Charnwood primary school in my electorate of Ginninderra. Peter Ross, the principal, is to be commended for his foresight in

introducing it to Charnwood primary. He was able to speak about his success just recently, with great passion, at a facilitative workshop at an international conference on restorative justice in Penrith.

As a result of the demonstrated benefits of restorative justice in our schools, I believe the debate on restorative justice can be broadened beyond the criminal justice system. Accordingly, on 9 March 2005, in my capacity as Chair of the Standing Committee on Education Training & Young People, I made a call for submissions to an inquiry into restorative practice in youth settings. The terms of reference for that inquiry are to examine ways in which restorative practice can be further applied. The standing committee encourages and welcomes submissions to that inquiry.

I am proud of the work that this government has done to introduce such a scheme to the ACT, I am equally proud of the Department of Justice and Community Safety in the way it has focused its efforts and resources in order to bring the scheme to fruition. It is one that I am sure will be of great benefit to our community. I look forward to seeing the report on its progress next year. I commend the motion to the Assembly and ask members for their support.

MR SESELJA (Molonglo) (5.38): Mr Speaker, on 24 to 26 February this year, the International Network for Research on Restorative Justice and the Centre for Restorative Justice, Research School of Social Sciences, Australian National University held a conference on the topic "Empirical findings and theory developments in restorative justice: where are we now?" The conference should not be a mystery to the government as at least one senior officer of the Department of Justice and Community Safety attended. What is worth noting is that the term "restorative justice" covers a range of concepts such as diversionary conferences in the ACT, family group conferencing in New Zealand, family conferencing in South Australia, juvenile justice teams in Western Australia and community accountability conferences in Queensland, among others.

I am joining in this debate today because Ms Porter's devotedly one-eyed support of restorative justice, I do not think, actually helps the discussion. If Ms Porter did some more in-depth research on restorative justice she would find that the jury is definitely still out and that, in the ACT, what data exists is not encouraging.

So for Ms Porter's benefit, I would first direct her to the work of Dr Gabrielle Maxwell of Victoria University in New Zealand as the foremost expert in the world on restorative justice. I then suggest that she read a paper presented at the conference in February, called "Restorative justice: why it doesn't work in reducing recidivism". The author of this paper is one Richard Parker. Mr Parker is the principal psychologist in the rehabilitation programs unit in the Department of Justice and Community Safety. I wonder if the Attorney-General bothered to read Mr Parker's paper before introducing his latest restorative justice bill.

I would also direct Ms Porter to another paper presented at the conference, by Dr Lawrence Sherman, which has some frankly disturbing data on restorative justice. For example, in juvenile property crime, Dr Sherman found that participants in RJ recorded a rate of 59.1 more arrests per year per 100 offenders. Participants in conventional justice recorded 18.9 fewer arrests per year per 100 offenders. That is, restorative justice leads to increased re-offending and property crime.

In juvenile violence crime, the rate for conventional justice was 3.4 more arrests; and 40.3 fewer arrests for restorative justice per 100 offenders. In this case restorative justice reduces re-offending in juvenile violent crime. In adult cases, conventional justice recorded 125.2 fewer arrests while restorative justice recorded 94.7 fewer arrests per 100—another example of conventional justice being more effective in reducing re-offending. In adult property crime, the rates were 84.4 fewer per 100 arrests for conventional justice and 70.1 fewer for restorative justice.

There are some startling differences between male and female juveniles, with females recording a lower arrest rate, 58.9 fewer arrests per 100 arrests; males recording an incredible 144 more per 100, meaning, not only do they re-offend; they re-offend several times over. Dr Sherman also makes a sobering conclusion in relation to Aboriginal participation in restorative justice:

> Restorative justice was found to be not safe and not effective.

That conclusion must be immediately taken into account by the government who should immediately reassess their Aboriginal restorative justice processes. A final word from Dr Sherman, on the Canberra experience, is that there has been a 413 per cent increase in property crime arrests after the introduction of restorative justice in the ACT.

Mr Speaker, these sobering statistics need to be compared against the very strong findings of Sherman, Maxwell and others that restorative justice is a very effective process for victims of crime. This is not in dispute. If the question before us were: "Does restorative justice produce better outcomes for victims?" the answer would be a resounding yes. If the question were: "Does restorative justice reduce re-offending and reduce crime?" the answer would be a resounding no. There is a great danger in bounding headlong down the restorative justice path without the evidence to back it up.

Other speakers at the conference were concerned that the ACT restorative justice system is run by the police rather than social workers or community corrections officers. They were also concerned that the police relied on scripts for conferencing and that there were not enough post-conference support services available. The point here is: should we be expanding restorative justice when the current system is not, according to the experts, being run in an optimum manner?

Mr Speaker, it needs to be made clear that the opposition is supportive of restorative justice in principle, but this support is dependent on evidence, and the evidence suggests that there are significant problems with restorative justice. There are problems with male juveniles, there are problems with Aboriginal offenders, and the evidence supporting the expansion to adult offenders is just not there.

What I am calling for, from the likes of Ms Porter and others, is a critical and empirical approach to restorative justice rather than a blind reliance on the feel-good factor. There is data available, there is significant research, such as that by Mr Parker of the Department of Justice and Community Safety. There needs to be debate but it needs to be informed debate, not just feel-good statements.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.44): Firstly, I congratulate Mr Seselja for doing the research on those numbers; that is refreshing, I appreciate it. Whilst I am not going to agree with everything that you have said, I actually do think you are on the right track.

I think that suggesting that Ms Porter is not helping by having an over-reliance on this thing is a bit misplaced. Firstly, Mary Porter has put this agenda right into the public eye and right into the public discussion and I think she needs to be congratulated for that, if nothing else.

Mr Seselja alluded to the fact or indicated that his research indicated—I will get this right, because I am not going to attribute this to you necessarily—that RJ can result in increased crime and property crimes. I am not so sure about that. That is one set of stats and I am happy to see other stats to back it up. But one thing I will agree with him on, absolutely, is that we need to be scientific about our approach. I could not agree more.

But let just put a couple of things to the Assembly. The first is the alternatives at the moment. Do you know what happened when people broke the law in 1788? They were stuck on public transport and sent to New South Wales. The last time somebody broke the law sufficiently in the ACT, what happened? They were stuck on public transport and sent to New South Wales. Haven't we come a long way in 200 years?

In fact, they were sent to New South Wales as part of the warehousing model. Those people that have been involved in this sort of game will recognise the terminology. The warehousing model, in fact, is sending people to jail, not as punishment but for punishment. That is where they were flogged. The warehousing model has one success: it actually removes the criminal from society for that period of time of the sentence. That is about all it does. So it is just a case of lock them up, get them off the streets. That is all that the warehousing model is good for.

Then we have the rehabilitation model, which is the warehousing model with offence-directed programs for prisoners, believing that, on conclusion of a term of imprisonment, prisoners are reformed and will be released as good citizens. It doesn't work either; it never has worked. What happens is that they come out of the gate at Goulburn, say, and say to the gatekeeper, "See you later, Jack." He says "Yeah, George." And guess what? Sixty to 70 per cent of the time he is right; they see them later because they have not been involved in any restorative justice program.

Mr Speaker, restorative justice is a philosophy. This is the bit that Mr Seselja ought to be interested in: we are at the beginning of embracing restorative justice. We are talking about the application of restorative justice principles at a point in the continuum of a justice system, and that continuum starts when you get into the police car, if you are as guilty as sin, and finishes when you pay tax when you are out and are a viable member of the community. That is the continuum. The restorative justice model in the ACT at the moment kicks in about a third of the way through that.

The difference between the restorative justice principle and anything else is that these are programs that are prisoner-centric within the prison system. They concentrate on

offending behaviour. The programs are intended, and deliberately so, to reduce recidivism—such things as anger management, sexual deviance, a whole stack of things like that to stop people going back into the system. The programs are intended to restore the prisoner into his or her community, not just releasing a rehabilitated prisoner.

Restorative justice is also about restoring a damaged family unit and restoring a community after damage has been perpetrated on it. It is a holistic approach to restoration. It is not about rehabilitating someone or about chucking them in a jail. It is a holistic approach to reducing criminality and recidivism.

Mr Speaker, one of the things Mr Seselja said which was quite accurate was that there are differing figures in terms of recidivism and success rates for males and females. One of the reasons for that, in my view, is that we have tended to concentrate similar programs for both sexes in prisons within New South Wales and other jurisdictions, and that actually has been proven not to be efficacious. What happens is that males respond to one-on-one programs, and women respond to group programs.

What has to happen is that we need to develop these programs in the context of the demographic that we are dealing with, having regard to their restoration into the community. We need to have, for example, programs that have a person on release with good behaviour, coupled with reparation. One is reminded of when one was a kid, breaking a window at a friend's house and having to mow the lawn for six months in reparation for doing that; and all is forgiven at the end of the six months of the lawn mowing.

The same thing has to happen with the community. They have to see that reparation is being made. They need to see the success of the individual. Ms Porter points eloquently to the success of that where we have got a victim employing a perpetrator of a crime against that victim. How successful is that restoration? How successful is that community?

We have to understand that restorative justice at the moment, the way we employ it, is about diversionary activity and directing it towards the young people at the moment and, then, when that works, we will go more into adults and split it into males and females. And on we go.

I hail the introduction of restorative justice principles into the corrective services system within the ACT. I hail it heartily because we will start to put into reality the embracing of this philosophy. I predict that if this is dropped, people will say, "It does not work. We will go back to warehousing." What warehousing does, in fact, is harden criminals. It does not teach them any better. In fact, they are idiots because they are in there. My father said, "There is no such thing as a good crook. I you are going to be a crook, be a good one. You are never going to be a good one because, if you get caught, you are stupid. You are stupid for starting the thing in the first place."

We need to address recidivism from the beginning, and that is what Ms Porter is actually espousing in her motion. I congratulate her very much for that. I also congratulate corrective services for folding the mindset of restorative justice into the creation and the fabric of this prison. If people want to have a look at the proposed layout, they will see that it is not that piece of hardened concrete that we affectionately know as Goulburn

jail. It is about treating these people with the dignity that they are entitled to as human beings, recognising that they have perpetrated a significant injury on the society from which they come and, in particular, on individuals within that society.

I find that what we need to do of course is address their antisocial behaviour. And in some cases we are going to fail. Let us get it upfront: in some cases we are going to fail. But I will warrant you, Mr Speaker, that the overwhelming number of cases will be successful because, if people believe that they are, in a sense, regarded highly by their community and they want them back, that is fine.

The other thing about restorative justice is that it makes sense economically. If you can stop a person from going back to jail—let us say it costs you 95,000 bucks a year to keep a person in jail and you can stop them being a recidivist—that means, when they get out and they pay $20,000 tax, you have got yourself a $115,000 turnaround. So, economically it makes sense. Having the prison constructed on RJ principles actually makes economic sense. Clearly, I would rather have somebody come out of a prison system and start to pay tax. If we pay 95,000 grand for one year's worth of incarceration, it only takes them five years worth of tax to pay that back and then they are off and running like a good member of our society.

I congratulate Ms Porter very sincerely on bringing this motion forward. I hope that the motion will be embraced by the Assembly, particularly with the spirit in which it has been offered. At the moment, I refer you to her part in Volunteering ACT, where she was leading the way in getting people to start thinking about alternative models of corrections in this town. I sincerely hope that people recognise that and pay due respect to the leadership Ms Porter has actually given us. I commend the motion to the Assembly.

MR STEFANIAK (Ginninderra) (5.54): It would appear that the motion is obviously going to be supported. We certainly support it. But there are a few things that I, too, would caution. Mr Seselja has already made the point: let us see how this goes. There are some figures that he quoted—I will only refer to a couple—which indicate there may be problems with it.

Basically, you need a suite of options in terms of sentencing—firstly, to suit the crime, the gravity of the crime; the issues around the defendant; what would be best in terms of the defendant's imprisonment; issues around what the community expectation is; deterrents; punishment; rehabilitation; the safety of the community. All those things need to be taken into account. You cannot make sweeping, broad generalisations.

Mr Hargreaves has actually made one. He talks about warehousing—I assume he means jailing people—saying that that just makes everyone harder criminals. In some instances it does, just like in some instances restorative justice is not going to work. I could, but I will not, certainly rattle off a lot of people who have actually been to jail and who have never offended again. They do not want to go back there. It actually has managed to turn their lives around. I have met a number of people, too, who have actually done courses in jail. That is good rehabilitation, and that is what we need. That is what I hope we will have in our prison. That also assists them in terms of getting out into the workforce and turning their lives around.

That is why, too, we have, even in recent times, a number of magistrates—the most recent being Magistrate Madden last year—saying, "Because of a provision in the Crimes Act in relation to jail as a last resort, I cannot sentence this person to jail. I would have given him 16 months. Therefore, I have to let him back out into the community." I think it was a particularly nasty stalking case. The magistrate obviously felt there that the best option for him and the community and probably even the defendant's own ultimate benefit would be a term of imprisonment, but he was restricted because of section 242 of the Crimes Act which says that you do jail as a last resort.

There are cases where a person has to be imprisoned. There are a number of cases where, obviously, you will not see a particular person again. There are cases, quite clearly, where restorative justice does not work. It is interesting. We need to see how it goes. It has just started. I do not know if it is going to happen in five to 10 per cent of all criminal cases. I do not know exactly how it is going to pan out in the ACT. But it has been done elsewhere. There are some interesting stats, and I will just mention a couple of them.

In juvenile property crime, under RJ, there are 59.1 more arrests per year per 100 offenders; under conventional justice, 18.9 fewer arrests. Quite clearly, in terms of juvenile property crime, the more conventional options are the ones that seem to cause less recidivism than restorative justice. Similarly, in juvenile violence crime, under conventional justice, there are 3.4 more arrests; and 40.3 fewer arrests under restorative justice. In that instance of violent crime, restorative justice would seem to work with juveniles and is a better option than conventional justice.

That figure is very similar to one on diversionary conferencing. I have seen figures in terms of diversionary conferencing which show that, with a young offender—and Zed has pointed out some figures for older offenders, which I will not repeat and which are probably the opposite—if you get them early, confront them with a victim, they might realise, "Oh, dear, what a dreadful thing I have done." So you have less recidivism. But it is the other way in terms of property crime. I think that is fairly similar, too, to what happened in terms of diversionary conferencing.

It is early days, but quite clearly it is something that is worth trying. On the figures that we actually have, it is not a panacea; it is not going to work in all instances. We will see, I would image, in some crimes it actually is going to be less effective than more conventional measures. I do not think others should see them as a panacea and one more excuse perhaps for not putting in jail people who should be in jail, whom the community and the victims expect to be in jail for committing very serious offences.

We do need a suite of options, and this is one of them. This is something that, obviously, in some instances will work. But we do need to be cautious; we do need to be rigorous in terms of assessing how effective it is. We do also, I think, need to keep tabs on what is happening in other jurisdictions. In New Zealand, in some instances, they have had a fair amount of experience in terms of restorative justice.

Mr Hargreaves: And Canada.

MR STEFANIAK: And Canada. I make those points in this debate and again impress on Mr Hargreaves that broad, sweeping, generalised statements are really not appropriate

here, especially when there is any volume of empirical evidence on the subject. Just talk to anyone in the justice system who has been around for a while and they will tell you that one size does not fit all. Mr Hargreaves, let me assure you that I have personally known a number of people who have told me that jail actually was the thing that stopped them, because they did not want to go back there. I agree with you in terms of ensuring that a prison system has to be humane and they should be treated as human beings. That was what we certainly intended when we were in government—and it seems to be exactly what you people intend when you are in government—with the prison. It is right and proper to ensure proper rehabilitation and effective rehabilitation.

The opposition is certainly supportive of this motion and we do look forward, with interest, to see just what comes out of it. We urge the government to ensure that they do take proper steps.

Motion agreed to.

At 6pm, in accordance with standing order 24, the motion for the adjournment of the Assembly was put.

Adjournment

Refugees

MR GENTLEMAN (Brindabella) (6.01): Today I would like to talk about something I feel strongly about: refugee status in Australia. During my years as an officer with the Australian Protective Service, I worked for a time at the Port Headland Detention Centre. Working conditions in these places is indescribable, but it gives you an opportunity to meet the refugees who have been detained.

Australia is really a wonderful country. With its diverse culture and its unique landscape, this really is the lucky country. This is why refugees seek asylum in our territory. For the most part, these refugees are just like you and I, but they have generally fled their countries under extreme circumstances to come to our shores and embark on a better life. Some of the refugees make the journey alone and some come as a family.

My interest in the status of refugees in this country has given me the chance to see some wonderful people working hard to bring knowledge of refugees and their status to our attention. One such person is Canberra Citizen of the Year for the 2004, Geoff McPherson, whose work as the President of the Canberra Refugee Support Group is the reason for his acknowledgement.

Another such person is a fantastic director by the name of Ros Horin. Ros was the former artistic director of the Griffin Theatre Company for 12 years. She is the founder of Playworks, the Women Writers Workshop, and its inaugural artistic director for five years. She has also been a lecturer in acting at both the VCA and NIDA.

Whilst working as a director in Sydney, Ros began to visit Villawood Detention Centre, a centre I have visited, too. She met numerous detainees and ordinary people just like herself wanting to help these people. After several visits, Ros began to write down what she saw and this was the beginning of her new play *Through the Wire*. *Through the Wire* is the story of four refugees and three ordinary Australians who visit them at

Villawood Detention Centre and the extraordinary and life-changing relationships that develop between them. *Through the Wire* offers an opportunity for all Australians to get a glimpse of the way refugees are treated in detention centres. It recounts the gripping, true tales of repression and exile, dangerous escapes, powerful friendships, resilience and survival inside Australian detention centres.

Most of these people flee wars and other such atrocities to come to a country for a fresh start. They use all their savings to get to Australia and oftentimes are unaware that Australian law does not condone their passage. They are then detained in one of our many detention centres, usually without their families. The Australian government fails to acknowledge their plight, placing them behind the wire in mandatory detention while waiting for their applications to be processed. There is no future. They are in a constant state of limbo. They are pawns in the play-off between political powers that has continued for years, with little hope in sight.

The federal government pursues a policy of long-term mandatory detention of asylum seekers who arrive on our shores without proper authorisation. Some have been incarcerated for long periods. As of April 2004, more than 320 adult asylum seekers had been held in mandatory detention in Australia for a period of more than two years. There were also 85 children held in detention centres over the same period. Amnesty International Australia considers that the current Australian policy of automatic mandatory detention for people considered to be so-called unlawful non-citizens is a direct breach of Australia's international human rights obligations.

Through the Wire is disarmingly simple, thought-provoking theatre that urges us to replace suspicion and fear with compassion and hope. There is much warmth and humour provided through the intimate and inspiring relationships that develop between the refugees and their Australian friends. I would encourage all of us to take family and friends to see this amazing story playing at the Canberra Theatre from 29 March to 2 April 2005. It provides Canberrans with a rare insight into the lives of people who remain behind barbed wire in Australian detention centres.

Ulysses motorcycle club

MR PRATT (Brindabella) (6.06): I stand today to talk briefly about the deep community concern surrounding events over the last week or so involving the Ulysses motorcycle club and the grief it has worn from the Rebels motorcycle gang.

This week we have heard the police minister's claim that everything is just hunky-dory with the Rebels motorcycle gang and his allegations that the opposition is "scaremongering" on this issue. Yesterday we heard Mr Gentleman's similar, head in the sand, joyful and sanitised celebration of the Ulysses motorcycle club weekend here in the ACT. Mr Gentleman did not mention that the Ulysses weekend had been under some threat as a result of quite serious intimidation and that the Rebels behaved with impunity in this town.

The Ulysses weekend was indeed a good weekend, and Ulysses members are to be congratulated. But that this important tourist event was seriously threatened is certainly unacceptable to the community. We can see that in the letters to the editor and editorials

in the last couple of days. I want to bring both the minister and Mr Gentleman back to earth, back to reality. Let me quote a couple of things.

Firstly, in terms of balance, I must mention Mr Lancaster's very good op ed piece in the paper today. It contains some comments that I would like to follow up. I also noticed today in the paper that Trevor Mcleod from the Ulysses club has written a positive and diplomatic piece about how well the weekend went. But there are other issues, too. It was a fantastic weekend, but it did not need to be marred by the sorts of threats that—

Mr Hargreaves: But it wasn't.

MR PRATT: I think you need to get a grip on the facts, minister, and perhaps have a deeper look at things. Let me quote a letter from a member of the Ulysses motorcycle club. He writes:

> I and my wife were present at the Ulysses annual general meeting in Canberra last week. On the Tuesday, as we rode to the Belconnen Mall to buy some supplies, we were accosted by a motorist wearing a Rebels T-shirt. He claimed that Canberra was a Rebels town and threatened to kill us. We were rescued by another motorist who helped us get away from this man.
>
> We returned to the venue and lodged a complaint through the event organisers, giving a full account of the incident and the registration number of the vehicle for forwarding to the police.
>
> We were not contacted at any time during our stay here by the ACT Police and are still waiting for the club to let us know what is being done regarding our complaint.

This may be a concern between this particular man and the club, not necessarily the police, but it does underscore the concern that this couple felt. He goes on to say that he and his wife have never worn rockers. Let me quote from another letter from a member of the public who has been watching this whole event with some dismay. This letter, printed in yesterday's *Canberra Times*, reads:

> How can an "outlaw" group tell another social group of "growing-old-disgracefully" Ulysses riders not to wear their names on their Ulysses jackets.
>
> What next? Will social riders have to get permission to even ride a bike in Canberra? The police should stamp out this arrogant behaviour, now.
>
> Ulysses riders appear to be a peaceful and friendly group with no pretensions about what they are doing … ACT Police! Do something.

Another letter:

> As an officer of the Supreme Court of the ACT and a younger member of the Canberra community, I must express complete outrage at the complacency of our authorities, particularly the Chief Minister and the Commissioner of Police, in allowing terrorism to thrive unchecked in the ACT.
>
> This is a time when our politicians are constantly justifying the need to send young Australian men and women overseas …

> It is also a time when belonging to an outlawed religious group or being in the wrong place at the wrong time can get an Australian detained for years without charge or legal representation overseas ...
>
> The recently publicised attacks on members of the Ulysses club cannot be described as anything other than terrorism.
>
> The fact that the Ulysses Club members might have caused offence to another motor cycle gang by wearing certain items of clothing does not entitle the offended group to take the law into their own hands and threaten, intimidate and assault lawful members of our community …
>
> To allow this sort of conduct to continue unabated, the Government is effectively sanctioning a state of anarchy insofar as the criminal law is concerned.

That is the feeling of the community, and we have seen it very broadly expressed in the last few days.

Danish royal visit

MR MULCAHY (Molonglo) (6.11): I refer to last week's very fortunate visit by the Danish royals, Crown Prince Frederik and Crown Princess Mary. Most Canberrans were very proud to have them visit our city and territory. Most people displayed courtesy and welcomed them in the fashion that we are very proud of in this country.

Whilst Mary may no longer be an Australian citizen, she still is a member of the Danish royal family and is due the respect accorded to any representative of a country with which Australia enjoys very sound diplomatic relations. But the Chief Minister did not view her visit in the same light, citing the rapturous reception handed to Danish royalty while in Canberra last week "an illustration of the cultural cringe that exists in Australia".

On ABC news on Saturday night Mr Stanhope is quoted as saying; "I see something of a cultural cringe in some of the lavish praise that I do not quite understand that has been laid at the feet of Princess Mary."

Mrs Dunne: It is because people do not praise him in the same way.

MR MULCAHY: That is right. The Chief Minister obviously is confused as to why people have praised Princess Mary. Let me give him some examples of why the rest of the Australian community has welcomed her visit and has treated her with courtesy.

How can you be critical of a truly benevolent young woman who has assisted and attended so many worthy events on her tour? Let us look at what she has done. She sold out one event after another. The Australian Red Cross 90th Anniversary Event raised over $700,000, with 900 guests paying between $495 and $1,100 a seat. A ball in aid of the Victor Chang Cardiac Research Centre grossed over half a million dollars. Let us remember, the Chief Minister says he does not understand why this woman is being praised—half a million dollars, with 550 guests paying $1,000 a head.

Then, another cause is the Australian Cancer Research Foundation, with 100 couples at $3,000 each, taking in $300,000. Again, why are they praising her for doing all this, helping to preserve life? The Mental Health Foundation—mental health is a major issue in this country and Princess Mary is patron of a similar organisation in Denmark—raised almost $100,000 in Sydney, with 550 guests paying $175 a head. Even in Hobart, when she went back to see her family, she participated in and supported a benefit for the Save the Children Fund.

Mr Speaker and members, this tour has not been about glamour or about the republican debate or about imposing some different culture on Australians. It is about demonstrating basic civility and courtesy to an international visitor and appreciating the phenomenal effort and contributions she has made to so many charitable causes. Her personal bond with Australia will always remain, as she was born and raised in this country and this is the country where her family continues to reside.

The fascination of Canberrans and Australians alike is, I think, best expressed by Australian Association Press, which described her as "a living, breathing Aussie princess and that's all that matters to a besotted egalitarian land in love with the fact that a Tassie girl can click with a bloke in a pub and suddenly become royalty". She not only helped to raise considerable funds—

Mr Hargreaves: She still cannot become president of this country.

MR MULCAHY: Mr Hargreaves is dismissive of my comments, but I think that the organisations and the people they support will appreciate what she did and the funds she raised, because they will go to much-needed medical research. She has been received by large crowds of children, adults, indeed politicians in many cases and the media in a demonstration of the importance of her royal position in these charitable, fund-raising activities.

The visit also served to promote Australia and the ACT. It has had a tourism benefit and a community benefit, and that is something of which we can all be proud. But the Chief Minister, whose aspirations are now reflected by a command performance—I thought a command performance was a vice-regal activity, but it is one that we now have in our territory presided over by our republican-minded Chief Minister, Prince Jon—failed to give Princess Mary the very serious respect that I think was appropriate on this occasion. I, as a member of this Assembly, am embarrassed that we have treated someone publicly in this fashion and turned the visit into a media spectacle.

I think that Danish representatives in this city would be suitably offended by the sentiments espoused by the Chief Minister. I know that I speak on behalf of members of the opposition when I say that we certainly do not endorse the Chief Minister's remarks last Saturday night on television.

Charnwood community festival

MS PORTER (Ginninderra) (6.16): Members will recall that I have mentioned the Charnwood carnival previously in this place. Some now refer to it as the "Charny Carny". This community festival took place last Saturday afternoon on the

Charnwood Oval and whilst it is difficult to accurately assess the numbers, it is believed that 2,000 to 3,000 residents of Charnwood and surrounding suburbs took the opportunity to attend this community event.

The Charny carnival started with a group of parents who knew each other as parents of children attending the Charnwood preschool. After preschool the children went their separate ways, attending either Charnwood primary or St Thomas Aquinas Catholic School. Knowing that both schools worked hard to put on events and fundraisers in competition with each other, often with little success, and also tiring of the stigma associated with Charnwood, Charnwood resident Janette O'Sullivan suggested that the schools work together and put on a big community event. The decision was made to pool their resources for something special for the people of Charnwood. A group of people were enthused by Janette's vision and, with only a couple of months planning, staged the inaugural carnival last year.

Having been involved with many community-based organisations in the almost 30 years I have been a resident of Canberra, I know full well the enormous energy that is created when a group comes together with a common goal. It is inspiring for me to see the results achieved by such a group and how it adds to the fabric and social cohesion of our society. It becomes the glue that binds us together, and it is what the Stanhope government social plan is all about.

Governments are able to assist this process by providing resources, and it is certainly my experience that such community activities return dividends many-fold on the investment made. To see the many young families and the groups of young people having such a great time can only serve to strengthen the sense of community that is so evident in the north-western suburbs of Belconnen.

I am advised that almost 200 volunteers were responsible for last Saturday's carnival. However, as we all know, there is always a core group behind such events. I have already mentioned the originator of the carnival, Janette O'Sullivan. However, I would like to put on the record the names of those whom Janette inspired and who worked tirelessly alongside her to stage the 2005 event. Chris Hyland, Frances Freeman, Anita Agett, Felicity Cooper, Cheryl Sahariv, Susan Gordon, Terressa Patterson, Jacqui Dillon, Alison Ware and Michael Pilbrow all assisted her. Members will recall that I have mentioned Mr Pilbrow on previous occasions in this place when I have spoken about the Charnwood community health centre. Mr Pilbrow is the secretary of that committee.

While time obviously does not permit me to mention all the other 200 volunteers, I would like to publicly acknowledge organisations that played a role. The four main organisations responsible for the carnival were St Thomas Aquinas Catholic School, Charnwood primary school, Charnwood preschool and the North Belconnen Community Association, which runs two community childcare centres. The parents committees of these four organisations provided most of the volunteers, ideas and energy for the carnival. I also acknowledge the Mount Rogers scouts who erected marquees, tables and chairs. Members of the group worked from 7.30 on Saturday morning for long hours, even until 10 o'clock on Sunday.

Other groups involved are too numerous to mention at this particular time, but I would acknowledge the work of Peter Ross, the principal of Charnwood primary school, and John Bourke, his counterpart from St Thomas Aquinas Catholic School, who have worked enthusiastically to develop positive atmospheres in their schools and encourage unprecedented inter-school cooperation. All the efforts of these volunteers would, of course, count for nought were it not for the resources made available to bring it all together.

To this end, support of the ACT government was pivotal and the $10,000 from the community grants program was crucial to the carnival's success this year. I would also like to acknowledge the support of radio station 104.7, which promoted the event and provided on-air personalities to host the "Charny Idol", which showcased the talents of 12 young local people between the ages of seven and mid teens.

I had the opportunity to be involved in the Charny carnival and I have no doubt that, with continued support of the Stanhope government, the Charnwood business community and the local community, the Charny carnival will go from strength to strength and will be eagerly anticipated each year.

Linc program

MRS BURKE (Molonglo) (6.21): This has been a week indeed of reading letters. I would like to read a letter to members. I have the permission of the person who wrote to me. It says:

> Dear Mrs Burke
>
> I am writing to you on behalf of my grand daughter, Lisa Allan, she is one of the disabled young people in the LINC program with Centacare and has been allocated a property (I have enclosed a copy of her allocation letter), which is to one of the properties supplied through the CORHAP program.

For members' information, that is the community organisations rental house assistance program. The letter continues:

> You may recall speaking with Lisa at Capital Careers graduation last year, she was the girl in the wheelchair, and you said you would be happy to help in any way you could.
>
> The current situation is that Centacare met their commitment to purchase five properties and the young people were all moved in by the end of November, and are very happy. The other four were to be supplied by CORHAP as "Community Housing" properties, so far not one has been handed over to Centacare. I feel they have absolutely failed these young people who really have enough difficulties to cope with given their physical disabilities.
>
> This situation has not only caused great disappointment, but has split the group so it is not able to function as it should. In Lisa's case she purchased the essential white goods and other necessary items ready for the expected move in September or soon after. It is much later and no action from CORHAP.

> We attended the official launch of LINC on December 2 where we met with Lyn and her assistant Liz, they had many questions regarding Lisa's needs because of the wheelchair and promised they would work very hard to find a place quickly to meet her needs. So much for words.
>
> I was speaking to Paula Chemello in early February and she told me that she was looking out for properties and would I do the same. Lisa and I did that and on February 19 a place close to the Jamison centre went on the market, we went to see the first exhibition and it was everything I told Lyn it would be ideal, location, wheelchair accessible, paved yard, etc. including grab rails in the bathroom. This was immediately brought to the attention of the CARHAP people early on the Monday morning and to the best of my knowledge no action at all was taken. I know from the agent it immediately proceeded to sale to someone.
>
> I will be forwarding letters to Simon Corbell and John Hargreaves to advise them of the situation and how CORHAP has failed these young disabled people. I trust you will be able to help bring a good outcome. Thank you.
>
> Yours faithfully
> Shirley Heycox

Sadly, this is yet another case of a family being let down by the system. Mr Quinlan and other members of the government say that many people ring about their problems. I maintain that Mr Quinlan impugned my good name this afternoon by suggesting that people are not ringing my office. Get my staff to tell you how many people ring, Mr Quinlan. Mr Hargreaves should know because we have dozens of email contacts with his office. Does Mr Hargreaves intend to threaten and intimidate people by saying they should not make their plight public? I hope not; I hope we have not come to that. The emails that people send on to my office suggest that people should not speak publicly. Where else do they go? Indeed, where does the opposition go if they are getting no satisfactory answers, no real and meaningful dialogue from the minister?

I trust that Minister Hargreaves and Minister Corbell will see what they can do to resolve the issue. It is really unfortunate. We must come to grips with the independent support packages. I understand that there are other people in the same predicament. I ask the minister to take this matter seriously and do something, not just sit on his hands, to make sure that people are not being pressured any more than they have to be.

Ice hockey championships

MR SMYTH (Brindabella—Leader of the Opposition) (6.25): I would like to acknowledge the achievements of some very talented local women who have done the ACT and region, and indeed Australia, proud at the recent ice hockey world championships in South Africa. Canberra players dominated the national women's ice hockey team with six players selected to play in the championships, which took place from 3 March until 9 March this year. Players from the ACT and region were:

- Kirstin Hudson, 28, from Queanbeyan;
- Peta Marks, 25, from Rivett;
- Mindy White, 18, from Jerrabomberra;
- Rylie Padjen, 17, from Melba;

- Felicity McShane, 20, from Hawker; and
- Candice Lowe, 21.

Candice is actually from Crows Nest, but we like to claim her as one of our own because she plays with the Canberra Ice Caps in the state league.

During the championship an ACT player also picked up a best player award. Rylie Padjen was named the best player for Australia in the game against Belgium. In the world championship the Australian team suited up against host country South Africa, as well as Belgium, Great Britain, Slovenia and Hungary. The team performed well in these championships, winning two out of the five games they played. They beat South Africa 11-1 and had a one-all draw with Belgium. They finished fifth overall in their division.

Our local players also represented the ACT in both the national championships and the New South Wales travel league in 2004, both of which the team won. So well done to the local teams! Several of these players specifically moved to Canberra to join what is emerging as one of the nation's strongest women's ice hockey programs. This is something that Ice Hockey ACT should be very proud of. I would like to congratulate Kirstin, Peta, Mindy, Rylie, Felicity and Candice on their performance at the world championship and their outstanding representation of the ACT. I wish the girls well in their future ice hockey careers.

As a side note, a number of these girls had to find funds to make the trip to South Africa. Ice hockey, while enjoyed by many in the ACT, is not a well-funded sport compared with other sports, and I guess women's ice hockey is even less well funded, even for national teams that travel interstate and overseas. I encourage the government to see what it can do to financially assist ACT players who are competing at such a high level in their sport at events of this calibre.

If members will indulge me a little, for the sake of equality, I would also like to congratulate one of our young male players, who is set to return from Bulgaria today. ACT Ice Hockey is very proud of him, and we as a community should be equally proud. Tim Cox from Gordon was a member of the national youth team, the under-18 team that won the gold medal in their class at the world championship. Australia has been promoted to division 2 as a result of that win. I congratulate Tim on the part he played in not only the win, but also the elevation of the youth team in the divisional grouping.

It is clear that there is a wealth of talent in the territory when it comes to ice hockey. I urge the minister for sport to ensure that this sport and its players are funded appropriately so that they can continue to excel at the state, national, and international levels. For those members who did not know, the ice hockey season is just about to start again. You can duck down to Phillip and see the Knights most weekends between now and October.

Emergency services

MRS DUNNE (Ginninderra) (6.28): I will pick up where I left off after question time today, highlighting the complete lack of knowledge that Mr Hargreaves has about his emergency services portfolio. In question time today Mr Hargreaves said, "Look, once Comcen says that you can respond, it's okay for you to respond." This is contracted by

his own answers to questions on notice, which he then had the temerity to read out today, which actually say that the parks brigade staff and ACT Forests staff cannot respond.

ACT Environment staff told us in estimates hearings and in annual reports hearings that the Emergency Services Authority was about to change the standard operating procedure to redefine what "respond" meant so that volunteers and members of the parks brigade and members of the ACT Forest brigade could not respond in the normal operating sense of the word any more. So we have the crazy situation that an urban fire brigade can be called out to a bushfire and respond with lights and sirens and break the traffic rules, where it is appropriate to do so, yet a rural fire brigade can be called out to the same fire and not be allowed to do so.

They have been allowed to do so for years and years. Instead of making a goose of himself here, Mr Hargreaves should have taken advice from Mr Corbell, who I understand was present at the rivers brigade when the Deputy Commissioner of the Rural Fire Service gave the verbal instruction to the rivers brigade that they may not respond with lights and sirens and break appropriate traffic rules. Mr Hargreaves knows nothing about what is going on in the Emergency Services Authority. He really needs to spend some time talking to some volunteers. Perhaps he could start with Mr Corbell, who seems to know more about what is going on than he does.

Question resolved in the affirmative.

The Assembly adjourned at 6.31 pm.