



DEBATES  
OF THE  
LEGISLATIVE ASSEMBLY  
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AUSTRALIAN CAPITAL TERRITORY  
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**Wednesday, 6 April 2005**

Crimes Amendment Bill 2005 .....	1389
Land (Planning and Environment) (Unit Developments) Amendment Bill 2005 .....	1392
Voluntary student unionism .....	1406
Questions without notice:	
Mr Rob Tonkin .....	1420
Health—insurance claims .....	1422
Disability services .....	1424
Cycle lanes .....	1424
Hospital waiting lists .....	1425
Hospitals—neonatal transfers .....	1426
Guardian House—demolition .....	1427
Calvary Hospital—elective surgery .....	1428
National Folk Festival—waste management .....	1428
Disability services—insurance claims .....	1429
Crime—extradition .....	1430
Personal explanations .....	1432
Voluntary student unionism .....	1434
Policing .....	1442
Office of Fair Trading .....	1467
Adjournment:	
Health—radiation oncology .....	1474
<i>Youth Evolution Art</i> .....	1476
World rally championship .....	1477
Schools .....	1478
Refugees .....	1479
Statement in Legislative Assembly .....	1481
Work and family balance .....	1481
Vocational education and training .....	1482
Children, youth and family support .....	1482
Marist College .....	1483

## **Wednesday, 6 April 2005**

**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.

### **Crimes Amendment Bill 2005**

**Mr Pratt**, pursuant to notice, presented the bill.

Title read by Clerk.

**MR PRATT** (Brindabella) (10.31): I move:

That this bill be agreed to in principle.

Mr Speaker, there are loopholes in present law and specifically in the crimes act that continue to allow the injury, manslaughter, unlawful killing or murder of an unborn child during an assault on its mother to go unpunished.

The decriminalisation of abortion did not recognise and defend the provision in the legislation that made it possible to hold an assailant responsible for the loss of an unborn child. For example, if a mugger assaults a pregnant woman and the child is injured or killed as a result, should someone not be held accountable? And if a person recklessly assaults their pregnant partner, leading to injury or death of the child, should someone not be held accountable? And should not someone be held accountable as a result of culpable driving for the killing or injury of an unborn child just as much as if a child were already born?

There are a number of key features in the Crimes Amendment Bill 2005 that make it very clear that lawful abortions in the ACT are recognised and sanctioned in the provisions of this bill. However, it does not allow reckless or knowing assaults on pregnant women to be sanctioned. In addition, it does not allow criminal offences against pregnant women, whether they be reckless or not, to be sanctioned.

The bill does not go against the Crimes (Abolition of Offence of Abortion) Act 2002. I say again: this bill does not act against the Crimes (Abolition of Offence of Abortion) Act 2002. This bill clearly excludes lawful abortions and enshrines the acknowledgment of lawful abortions in the crimes act. In addition, the bill also provides that it does not apply to anything done by a pregnant woman in relation to her unborn child. These are the two vital elements deliberately designed to separate the issues surrounding this bill from issues surrounding the abortion debate. I cannot make that point too clear.

This bill is not an attempt to revisit or to undermine the decisions made by this Assembly in relation to abortion. Abortion laws in all other jurisdictions provide precautionary legislation that covers the protection of unborn children to a certain degree. Those degrees vary from state to state. But there are laws in other jurisdictions that provide at least some precautionary protection, but we do not have that here in the ACT.

Based on the legal proceedings in the United States House of Representatives and the court proceedings in Arkansas in the United States, both in 1999, the Liberal opposition has proposed this legislation. Also the recent introduction of Byron's law into New South Wales shows that this type of legislation is both sensible and warranted. This proves that there is a need for this type of legislation in the ACT. So not only from a national point of view but also from an international point of view, there are very strong precedents for the introduction of this law here. We have to protect as many people, born or unborn, as we can in this society, and this legislation is a step towards this.

The basic purpose of this legislation would make it an offence to injure or kill an unborn child through assaulting or poisoning with an abortion agent a woman who is known to be pregnant and who, as a direct result of the offence, loses her child. In addition, the legislation provides for charging an assailant who caused the injury or death of an unborn child and, although they may have done so unaware that the woman was pregnant, in many cases they ought reasonably to have been aware that the woman may be pregnant.

This means that people who initiate a serious assault or offence must accept full responsibility for their actions. The legislation would also allow the courts to charge those responsible for the death of an unborn child with criminal homicide, with charges ranging from unlawful killing through to manslaughter and murder. The legislation would also give the category of personhood to unborn children in civil cases.

This legislation only applies to wilful acts intended to cause injury or death to the mother or unborn child. However, I will again use the New South Wales example of Byron Shields to highlight the need for this legislation and the situation where this legislation could be applied. Byron Shields lost his life less than two months from his expected birth, following a hit and run on his mother by a drunk driver.

The driver of the vehicle escaped a conviction for manslaughter because the court then ruled that a seven-month old foetus was not human. This problem is now being addressed, in New South Wales at least, with the successful introduction, as I said earlier, of what is now referred to as Byron's law. As we speak, that process is being exercised through the New South Wales parliament.

Let us bring the issue closer to home. On about 15 November of last year, we had a dreadful accident here in the ACT which resulted in the death of Ms Naomi Warne, an Oxley mother, who was three months pregnant with her fourth child. She was riding as a pillion passenger on the back of a Kawasaki motorbike ridden by her 33-year-old partner. Two young reckless drivers, incidentally allegedly rapidly departing the scene of unlawful behaviour, sped into Tharwa Drive and very likely caused the accident to occur.

**Mr Stanhope:** On a point of order, Mr Speaker—

**MR SPEAKER:** I think I know the point you are about to take.

**Mr Stanhope:** This is a matter that has not been tested before the court. I am appalled that a member of this place would stand and make those allegations in relation to

a matter that has not been tested. That is absolutely outrageous behaviour, and the member should withdraw it.

**MR SPEAKER:** Yes, absolutely.

**MR PRATT:** Thank you, Mr Speaker. I withdraw those earlier comments. The death of a woman who was three months pregnant, if that particular case is found to have been the result of other circumstances, then our laws do not cover right now what might have been an otherwise lawful outcome.

This bill is not just about recklessness in terms of road incidents and other actions; it is also about protecting women in cases of domestic violence. It is important that we, as members of this Assembly, send a clear message to the community that violence against women is not acceptable and holds penalties and that violence against pregnant women is an abomination that holds more serious penalties than just a charge of assault.

The role of the judiciary is an important component of this bill. They are the ones who will ultimately administer the laws that are passed in the Assembly and they are the ones who make certain determinations based on the guidelines that the Assembly provides. Presently, in cases of violence or recklessness that involve pregnant women, the judiciary takes into account any injuries sustained to an unborn child. However, the ability to do this is limited to sentencing and is limited by the maximum sentence accorded to the charge associated with the act against the mother.

This means that currently, if a man beats his pregnant partner and kills the unborn child, he can be sentenced only to the maximum term appropriate for the assault on his wife. While that term may be sufficient in some cases, if the assault is so severe as to attract the maximum penalty, the discretion to appropriate a more severe sentence for the death of the unborn child is removed. It is important that we look beyond the first breath of a child when deciding at what point we should be providing legal protection.

Mr Speaker, the Queensland Criminal Code, section 313, provides:

Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born and had then died, the person would be deemed to have unlawfully killed the child, is guilty of a crime and is liable to imprisonment for life.

The code also provides:

Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth, commits a crime—maximum penalty, imprisonment for life.

The legislation we are presenting here today provides different degrees of assault and separates the offences based on whether the perpetrator had prior knowledge or reasonably ought to have had that knowledge; so it is much more flexible than the Queensland model. In that sense, this legislation is more comprehensive and flexible, as I was just saying, than the Queensland example.

This has been controversial legislation and was voted down by this government in the last Assembly. But it is necessary legislation. One of the reasons that a similar bill introduced by me in the last Assembly was previously voted down by the Stanhope government was that there was argument about the definition of the unborn child and at how many weeks of pregnancy the unborn child warranted protection. To remove this ambiguity, this amendment to the Crimes Act now defines the unborn child as “an embryo or foetus at any stage of development”. So we have removed the ambiguity.

This now protects the child where it is known or ought reasonably to be known that the mother is pregnant and removes the argument about at how many weeks of pregnancy should this legislation apply. We are not asking judges to determine when the first breath factor might need to be backdated to how developed the foetus was. What we are saying now is that, at any stage of development, the crime can be committed. This now protects the child where it is known or ought reasonably to be known that the mother is pregnant and removes the argument I have just detailed. The determination of that fact will be at the discretion of the judiciary in relation to each individual case.

It is a fact now that the age of survival for premature babies is becoming younger and younger. In an example documented recently in the United States, young Malachi Whitlock was born 4½ months early. Malachi’s gestation period was only 20 weeks, or only half the normal term, and yet he was born a functioning human being with a chance of a normal life. Therefore, this amendment to the Crimes Act seems to encapsulate protection for all unborn children, regardless of the number of weeks of gestation, which, as Malachi’s example shows, cannot be limited in definition as to what constitutes a human being.

Mr Speaker, as the abortion legislation states that women have the right to choose to terminate their pregnancy, this legislation states that women have an equal right to choose to take their pregnancy to term, with anyone who interferes with that in a violent or reckless manner being held accountable for their actions. I would quite strongly encourage the Attorney-General and this government to seriously look at this proposed legislation or at least come up with some alternative, at least come forward with some amendments or at least look at the New South Wales model rather than ignore the fact that there are some significant loopholes in law that must be closed to protect women, to protect pregnant women and to protect the unborn. And so far we have seen not a jot of interest or action on the part of this government to seriously consider these areas that need to be covered.

Mr Speaker, I commend this bill to the Assembly.

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

## **Land (Planning and Environment) (Unit Developments) Amendment Bill 2005**

Debate resumed from 16 February 2005, on motion by **Dr Foskey**:

That this bill be agreed to in principle.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (10.47): The government will not be supporting Dr Foskey's bill. The irony of this bill, Mr Speaker, is that it embodies an unsustainable public policy measure, mandatory inclusionary zoning, which the proponent hopes will produce the very opposite outcome of sustainable housing.

If this bill is enacted, property developers in the ACT will be forced to surrender a minimum of 4 per cent of any housing unit development consisting of 10 or more units, and any other unit development deemed to be a major unit development by regulations, to the ACT Commissioner for Housing. In lieu of such a transfer, property developers will be subject to a punitive tax in the form of an affordable housing contribution, which has to be a minimum equivalent of 4 per cent of the market value of the completed development.

Ultimately, such a tax will either be borne by the seller through a reduced sale price or passed on by the developer to the end purchaser through increased unit prices. In either instance, forfeiting of property or paying the punitive tax, the 4 per cent can be readjusted should an undefined relevant authority decide that it would be reasonable to do so. Among other matters that this relevant authority must consider in readjusting the 4 per cent figure is that, within 10 years of the bill being enacted, a minimum of 10 per cent of the value of all new major unit developments will be applied to the provision of affordable housing within the ACT.

On 30 June 2004, the then ACT Greens MLA, Kerrie Tucker, tabled an almost identical Land (Planning and Environment) (Unit Developments) Amendment Bill 2004 in the ACT Legislative Assembly. Ms Tucker's bill was overwhelmingly defeated by a formal vote of 12 against and one for its enactment.

Dr Foskey's bill therefore represents a second attempt by the ACT Greens to introduce mandatory inclusionary zoning legislation, which seeks to fulfil the ACT Greens' election commitment of "requiring 10 per cent of all multiunit developments in the ACT to be set aside for public or social housing".

The bill differs from Ms Tucker's bill in two key areas. Firstly, the nominal percentage of a major unit development that must be set aside for affordable housing is now set at 4 per cent, as against the 10 per cent requirement in the previous bill. However, with the bill's discretion to the relevant authority to readjust the 4 per cent figure to meet the stipulated target of 10 per cent of the value of all new major unit developments within a 10-year period, the 4 per cent could within a very short space of time escalate to 10 per cent. Secondly, unit developments of 10 or more units are subject to the mandatory inclusionary zone requirements under this bill, whereas the 2004 bill had a narrower scope of a minimum of 20 units.

Thus, whilst on its face the bill would impose a less onerous affordable housing requirement on developers than the previous bill, upon closer inspection, Dr Foskey's bill would be more onerous than the previous version. The Assembly and the government did not support the previous version, and the government will not support the present bill either.

This should not be taken, Mr Speaker, to indicate that the government is not committed to and does not support affordable housing. This government regards affordable housing and the declining levels of housing affordability as a critical issue, which is high on its list of priorities. It has developed a strategy that covers the entire spectrum of the housing system, that is, home ownership, the private rental market, public and community housing and homelessness. These measures are designed to work together to ensure a continuity of assistance across a range of housing needs in the community.

The government has injected \$33.2 million in additional funding for public and community housing, the largest single amount by any government since self-government. It has also injected \$13 million for the homelessness initiatives. Further, the government established the affordable housing task force, which resulted in the implementation of a wide range of affordable housing measures, including: a commitment to release 500 affordable blocks of land over the next five years, the first of which were released in a moderate-income land ballot in December last year; increased stamp duty concessions for first home buyers, with further concessions linked to price movements in the market; the introduction of rental bond loans for low-income earners; the incorporation in the City West master plan of a requirement to deliver affordable housing in 5 per cent of total residential development; and improvements to the public housing system to ensure it is more accessible to people in need and is able to sustain tenancies.

This government has a strong commitment to addressing declining levels of housing affordability. We will continue to implement the strategic approach to the provision of affordable housing, while working in partnership with the building and development industry to investigate new affordable housing products.

To support this bill would be a retrograde step and undermine all the efforts thus far to provide affordable, appropriate and secure housing for all members of the community. One of the outcomes of this legislation is that it puts the onus for the provision of affordable housing in the multiunit development onto the purchasers of units in that particular development.

Affordable housing is a social issue. It is a community issue. It is one for all of us, and I welcome the contest of ideas coming from the opposition because, at the end of the day, if we have a contest of ideas on how to solve this problem, we will end up with a better situation. But what we do share with the opposition, I think, is the understanding of a commitment that this is a community-wide problem and it has to have a community-wide solution. Requiring individuals to, in a sense, pay an increase of 4 per cent on their unit as they buy it so that somebody can have a reduced price on a unit within that multiunit development, I think, puts the burden in the wrong spot.

Initially, that provision relates to the unit when it is purchased for the first time. If somebody buys this particular unit at a reduced price because of the affordability of it, what happens when their income changes and they actually move out of it; they move on to somewhere else because their life circumstances have changed for the better? Do we have a big red X on that door saying that the only people who can buy that particular unit are people below a certain income level? I do not think so. What will happen is that that



unit will revert to the market. What we are seeing here is a very temporary solution and a solution borne by the purchasers of units in a multiunit development.

For that reason and for other reasons I am sure that the Assembly has, we will not be supporting the bill. I also will signal the government's intention not to support any attempt to refer this bill or the matter to any of the standing committees of this Assembly. We discussed this quite extensively in the 2004 debate. We have discussed it recently in this debate. It has been discussed in the public arena. I feel it is time now to hear the contribution from my opposition colleague, allow the Assembly to hear Dr Foskey's concluding remarks and then vote on the issue. And if it is the will of the Assembly that we do not proceed, then that indeed should be the end of the matter.

**MR SESELJA** (Molonglo) (10.56): Mr Speaker, the opposition will be opposing this legislation. I note, as Mr Hargreaves has pointed out, that a very similar bill was put forward by Greens MLA, Kerrie Tucker, in the previous Assembly and it was roundly rejected. I expect that the same will occur in relation to this bill.

In relation to referral to a committee: we also would not support its being referred to a committee. As the minister points out, there has been ample discussion of this matter. I think it would be a waste of the committee's resources to look into this again, especially given the overwhelming rejection last time by the Assembly and what I expect will be once again an overwhelming rejection.

Our reasons for not supporting this bill are quite simple. This, bill if enacted, would lead to higher unit prices, higher rents and, eventually, a loss of revenue flow to the ACT government. I would like to say at the outset that I think the goal of providing adequate housing for the poor is a very worthy one. The bill is, in our opinion, the wrong mechanism for achieving this goal.

One of the most important things that governments can do to contribute is keep home prices, particularly for first home buyers, low. Governments need to ensure adequate land supply and planning systems so that unnecessary delays are removed.

All members would be aware of the long housing boom of the last few years which has seen prices rise across the country, with Canberra now having amongst the highest median house prices in the country. It is also true that first home buyers often buy units as a way of entering the property market and breaking the rent cycle. There is little doubt that this bill would push prices up, with purchasers of units being forced to subsidise public housing, something which the entire community, through its government, is responsible for, something which Canberra residents already pay taxes for.

Let us look at an example to emphasise the point. The bill mandates that 4 per cent of units in major developments be set aside for public housing. If this bill were enacted, for a unit block containing 25 units costing an average of \$300,000, the extra cost per unit would be \$12,000. That is effectively a tax of \$12,000 per unit.

**Mr Hargreaves:** Yes, spot on.

**MR SESELJA:** No, it is not on. This will therefore slug many first home buyers and many median income earners who are struggling to buy a unit. As Mr Hargreaves has

pointed out, with the 10 per cent figure, that goes up again and that becomes a \$30,000 tax on a \$300,000 unit. It is quite significant and it would create quite a burden and, we think, a lot of unintended consequences.

The other effect it will have is to move developments outside the ACT, either to other parts of the region or away from the region altogether. This will lead to job losses in the construction industry, fewer rental properties, which will put upward pressure on rent, and lower government revenue and therefore less ability for the government to provide crucial social services, including public housing. This is simple economics and, despite the fact that it may be well intentioned, it would have serious negative economic consequences for the ACT.

Let us take a look at the issue of government revenue. We have already seen that the rate of growth in the ACT has come to a virtual standstill, at 0.2 per cent; yet at the same time, the area in the immediate vicinity of the ACT is growing faster. This suggests to me that people are, for various reasons, choosing Queanbeyan, Murrumbateman, Yass and other areas in the region to live in instead of the ACT. I suggest to the Assembly that one of the reasons for this has been the inefficiency of the planning system and the resulting high cost of building in the ACT.

I would also suggest that, if this bill were successful, it would further add to that exodus. People will choose to buy a unit in Queanbeyan instead of Narrabundah because of the increased costs. This, in turn, will mean that rates, rego and other revenue that would have gone to the ACT government to be used for the benefit of the ACT people will go to New South Wales instead.

I think consultation is very important—and we often hear Dr Foskey bemoan the lack of consultation when it comes to other pieces of legislation before the Assembly. I certainly agree with Dr Foskey on this. I think consultation is important and I think some of the people who would be directly affected by this legislation are the developers. So we have certainly sought the opinion of organisations like the MBA, the property council and the HIA.

These organisations have all commented negatively on this legislation. For example, the property council pointed out that developers already pay a change of use charge, which is paid nowhere else in Australia. Developers in the ACT also pay the highest regime of stamp duty, land tax and rates and in many instances are required to pay for offsite works which elsewhere in Australia are paid for by the relevant authority. They go on to say:

In short, the property council does not support the proposal from the Greens.

Similar sentiments have been expressed by the HIA and MBA. So the industry tells us that we already have a heavy burden of taxes and charges on development and we have seen how this has led to a virtual standstill in growth in the ACT and moves by home buyers to places like Queanbeyan. And yet we have Dr Foskey looking to add more of a burden, a burden which will in the end be borne by first home buyers, by elderly Canberrans looking to move to smaller accommodation, by workers in the construction industry and, ultimately, by the ACT taxpayer who will need to make up the shortfall in revenues.

In summary, we will not be supporting this bill because it will hurt first home buyers; it will hurt retirees; it will put upward pressure on rent; it will cost jobs; and it will push investment outside the ACT, costing the ACT taxpayer valuable revenue. As stated earlier, the goal is not a bad one. I would suggest, however, that the Greens begin thinking through the real consequences of their proposals. Instead of looking through a narrow prism, I suggest that the Greens should consider how their proposals could have a lot of unintended consequences for many parts of the community and, due to this lack of thought, how the people whom they are trying to help will actually not end up better off. We will therefore not support the bill.

**MRS BURKE** (Molonglo) (11.02): As you have just heard, the Liberal opposition will not be supporting the Land (Planning and Environment) (Unit Developments) Amendment Bill 2005. Through the whole of this I have found that consultation with the Greens, whilst friendly and amicable, has often been a little bit late. We seem to have been behind the eight ball, as government and opposition, in knowing exactly what their aims are. I urge them to be a bit quicker in consulting with us about what is happening.

This bill was tabled in the last Assembly. Again, the Greens have reviewed that and I respect the fact that they have tried to have another look at this, this time aiming for four per cent of the housing construction, or four per cent of the value of the development, going to affordable housing. Even so, we cannot support this. I would have thought it was of more importance to the crossbench and the opposition to be focusing on, for instance, pressuring the government—or keeping the government accountable—into refocusing its efforts on improved asset management of stock belonging to Housing ACT.

It is well known that in the ACT we have more public housing properties per capita than anywhere else in Australia. To me, something is not quite sitting right, in that we are now saying we need more. In principle we do need more because there are more people on waiting lists and more people in crisis accommodation who cannot get out of that. We need to better manage the system, not keep adding more.

It is fair to say that the problem has been emerging for well over two years, and there is no balance in the forms of housing stock available to Canberrans. The government's inaction in the provision of affordable housing, and also the encouragement of investment in the property market in Canberra, has led to a squeeze on the hip pockets of those in the rental market. There needs to be more of a balanced approach by the government in how it is tackling this problem. I certainly think the Greens are a little bit off the mark saying, yet again, that we need more public housing properties.

The argument here is that no further pressure should be placed on existing and potential investors in the housing sector who, as my colleague Mr Seselja so succinctly put this morning, through investing should be able to offer a property for rent at a rate that is reasonable, yet which allows them to cover costs and realise a return on their investment.

The government is charged with the provision, as I have said, of some 11,500 housing properties to Canberrans who, where eligible, require a secure form of housing that best suits their current needs which I believe, and the Liberal opposition believes, certainly

requires constant review. Public housing should be for those most vulnerable, those most in need, in our community.

Recent figures released from the minister's office show that there are 3,964 applications on the ACT housing register—up 219 from August 2004. I guess there may be more current figures that the minister would be able to provide, but these are the most recent we have. This equates to 8,450 clients on the waiting list in the ACT—up by 628.

I note that over 560 people are on the highest priority rating. It is currently taking approximately six months to place these people into public housing. When you are in crisis, the last thing you need is to be put in further crisis and stress. People need a roof over their heads and a secure place to live before they can start to get their lives back in order. Real change can be affected in the area of asset management by government to free up suitable properties to, for instance, allow for those on the housing waiting list to enter the market.

It is time for appropriate action to be taken to ensure that people seeking access to public housing—an affordable form of housing—are not kept waiting any longer than necessary, for the reasons that I have just given. We have people under stress, who are vulnerable, being given more pressures and stress. It is simply not acceptable in this day and age—and particularly not here in a capital city, one would have thought.

Measures to address housing affordability must focus on the underlying issues and not merely the symptoms. Again, we need to understand what is happening, particularly within the public housing sector. What is going on there? Why is it that we have more public housing properties than anywhere else in Australia and yet we have a job to get these people housed? I would suggest to you, Mr Speaker, that there are underlying reasons, and I think the minister really needs to look at those.

If people are inadvertently in a form of housing that does not suit their needs, they should be encouraged to pursue other options. I know this has happened. People have been wanting to move but the government, because it has hamstrung itself now on security of tenure, is almost saying, "No," or, "You can't."

I speak to people within the department—and the minister is probably wrestling with this very thing, too. The whole notion of security of tenure is an absolute nonsense because, in the government's own asset management strategy, it cannot fully guarantee security of tenure—nobody can. People at Currong apartments could not have security of tenure there forever and a day. That gives a false impression, because they thought they were getting security of tenure at that particular place. The government really needs to review that, and work with the opposition and crossbenchers, so that we better understand what is actually meant by "security of tenure".

There are some public housing tenants who are on good incomes, who may have additional assets, who could probably afford to move into the private market or, ultimately, into their own homes. This was an area that the former minister, Mr Bill Wood, was happy to talk to me about. Together we tried to think of ways to address that—and it certainly was a problem. The private rental market may be tight, but it is also subject to the principles of supply and demand. This is why the government must begin to implement real solutions to affordable housing in the ACT.

**MR SPEAKER:** Mrs Burke, we are talking about the bill introduced by Dr Foskey.

**MRS BURKE:** Yes I am, Mr Speaker.

**MR SPEAKER:** We are not talking about the government in this debate.

**MRS BURKE:** No. I am talking about the bill today. I am talking about the options that maybe the Greens could have been looking at. As I said in my opening statement, along with the government, we will not be supporting the bill.

I think the fact that the government abolished annual rental reviews of all public housing tenants and re-established an apparent security of tenure review of the household financial situation was an important safeguard that would ensure that those who needed to receive public housing were catered for, and it is important that we bring that out in this debate. We need to understand that we do not just add more stock; that we do not force pressure onto the market and private developers; that we need to take control of that. This is not an attack on the government. I want to work with the government.

**Mr Hargreaves:** It sounds like one to me!

**MRS BURKE:** No, it is not an attack on you, minister; it is an attack perhaps on your leadership and your management of the portfolio. But work with me and let us see if we can get better solutions. The Stanhope Labor government chose to axe the review system.

**Mr Corbell:** Mr Speaker, I wish to raise a point of order. I think some level of latitude is appropriate in the context of alternatives but, when Mrs Burke's presentation speech in favour of or against this piece of legislation simply becomes a critique of government policy, it is well beyond the provisions of relevance. I would ask you to draw her attention to it.

**MR SPEAKER:** Remain relevant, Mrs Burke.

**MRS BURKE:** Thank you, Mr Speaker. I believed I was remaining quite relevant. We are talking about the Greens' bill here this morning and the fact that there are 1,229 people in the ACT who are homeless. The government must take some responsibility. I am supporting the government in saying that we are not supporting the Greens' bill this morning, but there does need to be a closer look at particularly one part—it may be a small part of the market that is affected—and that is the public housing sector. That is the part of the bill that Dr Foskey wants to see. She says in her comments in the *Canberra Times*:

Specifically, the bill would require major new multi-unit developments to dedicate either 4 per cent of the housing constructed or 4 per cent of the value of the development, to affordable housing.

I think everything I am saying is relevant. I am trying to look at solutions and ways forward. I do not know what the government are talking about—and I do not know why Mr Corbell stands up on a point of order. There is none.

I have to say that there is no longer any fluidity in the ACT public housing system. Those who are in definite need, who are sitting on the never-ending waiting list, will continue to wait unless the minister makes some tough decisions and realigns public policy in relation to housing into line with how the market actually operates. It is important that the government investigates the merit of income review of housing ACT tenants.

**MR SPEAKER:** Mrs Burke, I ordered you to remain relevant. You ought to confine your remarks to the bill which is before the house.

**MRS BURKE:** Thank you, Mr Speaker. Again, I believe I am being relevant. I think we have to get these things into context. Dr Foskey is talking about public housing and the 4 per cent: I think I am being quite relevant. Public housing waiting lists are on the rise, and the demand for crisis accommodation services is spiralling out of control. There is apparent land banking occurring in the ACT. People trying to secure any form of housing are finding it very difficult. After all, as it currently stands, if an applicant is now seeking to enter public housing, the household income must not exceed approximately \$40,000 per annum. In summary—

**Mr Corbell:** Mr Speaker, I again rise on a point of order.

**MRS BURKE:** There is no point of order. I am closing, Mr Corbell, if you will give me a chance.

**MR SPEAKER:** Mr Corbell, I would have to say, in listening to Mrs Burke's comments there, that she was actually supporting the bill, because she was talking about—

**MR CORBELL:** On my point of order, Mrs Burke continues with a critique of government housing policy that is a separate matter from the legislation which is before this place. Indeed, the majority of Mrs Burke's speech has been a critique of government housing policy. The government has no difficulty with having a debate about its housing policy, but this is not the forum for that. Mrs Burke has consistently failed to abide by your requests this morning to remain relevant. I think she should either do that now, or you should instruct her to conclude her comments.

**MR SPEAKER:** I was listening closely, Mr Corbell—some of her comments sounded as if they were in support of the Greens' bill. I am still listening closely, and Mrs Burke will remain relevant. If she is not relevant, she will be ordered to resume her seat.

**MRS BURKE:** It is obviously a very delicate matter, and a delicate subject that the Minister for Planning did not want to hear. I believe I was being relevant, bringing into context the fact that the Greens' bill does talk about public housing. I was trying to suggest that we do not need more properties to be freed up, or property developers to be hamstrung in their investments in this city; moreover, that we do need to investigate—rather than using this bill as a way of getting people into housing—the management of the government in its asset management of public housing in the ACT. The Liberal opposition—and I being one of those—will not be supporting the Greens' bill today.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (11.14): I would like to join with my colleague Mr Hargreaves in indicating the government's opposition to this bill, and add a couple of comments. The issue of inclusionary zoning, as it is often known—or a requirement for a percentage of units or dwellings in any development to be included for affordable housing—is one that has been debated in the territory for a number of years. Indeed that was the subject of very detailed work by the government's housing affordability task force, which reported on this issue during the term of the last Assembly.

The approach advocated by Dr Foskey has, as Mr Hargreaves has outlined, a range of flaws. Predominantly, I think those flaws are such that they work against the very intent of the legislation as Dr Foskey has argued it—that is that the cost of providing affordable housing being borne by the developer is simply passed onto other housing owners, or to renters, either through the increased sale price of other apartments in the development where the four per cent would be applied or, alternatively, ultimately passed on to renters in that marketplace. Whilst the intent of the legislation is very important, the impact of this would, in the government's view, be quite the reverse.

Aside from that, there is a range of other more practical measures that need to be considered. The government also does not support this legislation because it involves amendment to the Land Act in a way that further complicates the way the Land Act has to be administered. The government's focus is on simplifying and streamlining the Land Act, rather than on further complicating it in terms of its day-to-day operation.

For example, there is no clear mechanism proposed in the legislation, from what I can see, on who should make the relevant decision about which units in a development are to be for affordable housing purposes, what size those units should be, where they should be located and whether they can be transferred onto further clients who need affordable housing once the existing client is no longer in that dwelling.

The practicalities of identifying what is affordable, and identifying where those affordable units should be, have not been spelt out in Dr Foskey's legislation. For example, would it be legitimate, as part of this exercise, were it to go ahead, for a developer to simply offer up all of the units on the ground floor facing south in an apartment development? Would it be legitimate for those which are the smallest and least suitable for the government's or the affordable housing provider's housing stock to be offered up by the developer? Those are issues that could attract significant discussions and negotiations over the approval of a development and would ultimately delay the provision of a whole development of housing or dwellings onto the market.

I note that only one jurisdiction in Australia has now implemented this move at a state level—and that is the South Australian government. I understand that these provisions came into effect very recently—only in the past week or so. Similar concerns have been raised about the impact on affordability and also on the difficulty of administering such a scheme.

I believe that the government's approach is the appropriate one. It is one that targets mechanisms to those individuals in our community who need assistance in getting greater access to housing at a more affordable price. The moderate income land ballot

process which, in my portfolio, the Land Development Agency administers is a great initiative to provide people in that third percentile of income earners the opportunity to get into the housing market, to purchase a block of land at an affordable price and then build their own home. As part of that mechanism we will also be using the moderate income land ballot to provide land to affordable housing providers.

It will be not only a case of individuals being able to access land through the moderate income land ballot but also a matter of affordable housing providers being able to access that land at that price. We will be effectively giving affordable housing providers access to more affordable land to deliver affordable housing outcomes for people who need that level of accommodation.

That is an example of the approach the government has adopted. The housing affordability taskforce looked at these issues comprehensively. It decided that some—whilst on the surface attractive, such as this one—in fact had a counter-intuitive effect and that it was not appropriate to take the approach advocated today in this legislation.

The government has a strong record on housing and has made a significant investment in improving public housing in Canberra. As Mr Hargreaves has already indicated, over \$30 million has gone into public housing to improve and maintain our stock; there has been significant work on homelessness for the first time here in the ACT; there has been significant work on housing affordability through stamp duty remissions and rebates; and significant work through the moderate income land ballot. Those are the approaches that we believe are most appropriate. The approach suggested by Dr Foskey in this legislation is not an approach that the government can support.

**DR FOSKEY** (Molonglo) (11.21), in reply: Thank you very much for that feedback from both the Labor and Liberal parties; it is much appreciated. I want to note that there has been, I think, a development in the complexity of the debate since the last Assembly. This was debated in June 2004, in a bill introduced by my predecessor, Ms Tucker. For that reason alone I am very glad I put this bill before the Assembly again. I note that I am not the only person who has put bills forward more than once or twice. I also want to note that the bill being debated today was changed to respond to some of the concerns expressed by members in the last Assembly.

After today I am really worried about the approach of both major parties in this Assembly to the poorest people in our community. I want to say it is not enough simply to talk about land ballots and assistance in buying the first home, because there is a very large percentage of people who will never ever be able to consider buying a home. That is a fact, and it makes me wonder about the extent to which people live in the real world. If you think of the necessity of a threshold income of \$100,000 to go into the ballot for one of these affordable blocks, then you are not talking about a very large percentage of the population here.

The truth is that we need innovative approaches to solving our housing crisis—because it is a crisis. We tend to leave it to the market. Once upon a time Canberra was a public housing town, as we all know. Now we are tending to leave it to the market. Lo and behold! We make things a little bit more difficult by adding another complexity to the building approval process, for instance.



Let me go through some of the concerns that have been raised by other members in more detail. Mr Hargreaves, for the government, raised the issue that he thought this was a punitive tax on the developer, a tax that will be shifted to the buyer or the eventual renter of the property. Again, this is an approach that takes a sort of, “Oh well, the government can stand aside while this happens. We’ll introduce it, then we’ll stand aside; but we have a number of discretionary charges that can be waived as an encouragement to developers.”

I think members are forgetting an important component of that bill—the fact that there needs to be flexibility and that there need to be individual negotiations. I have heard again from Mr Hargreaves—and from Mr Corbell—that the government has affordable housing high on its list of priorities. Yet I do not see anywhere a timeline for putting into action the recommendations that the government has agreed to, including one that our bill addresses.

I see no timeline for actually implementing that. Nor do I see that the government has within the Department of Housing—or anywhere else, for that matter—a taskforce, a group that is concerned with affordable housing. Here I do not mean affordable housing for the lower middle class; I mean affordable housing for the poor in Canberra. Where else are we going here? I am really pleased, by the way, that five per cent of total residential development in City West is going to be public housing.

**Mr Seselja:** Affordable housing.

**DR FOSKEY:** Affordable housing, yes. I will be very interested to see how that is implemented, because it could be that that will provide a model for how we can proceed with the aims of our bill. Let us have a look at that. I really encourage it but I am also very aware that the government of that time said that a proportion of the Kingston foreshore development would be affordable housing. Well, that is yet to materialise.

Mr Hargreaves also said it is a community-wide problem that needs a community-wide solution. Are developers not part of our community? When we shrink the public’s fear and broaden the scope for private developers to take over our housing policy—which, it seems to me, is the implication of a lot of what has been said today—should we not then use that? Is that not the area where we need to be working to find affordable housing?

The bottom line is that the government does not have enough money, especially due to the actions of the Commonwealth government, to satisfy our housing need for low income people. We have to work with those who are driving development in this city.

**Mr Seselja:** Just raise taxes, then. Raise taxes—that’s all it is! That’s what you’re advocating.

**DR FOSKEY:** I am sorry. I cannot hear you, Mr Seselja; but you can speak to me afterwards if you have something that I should hear. That deals with Mr Hargreaves. I will address Mr Corbell’s remarks next. We will keep it to the party, shall we?

Mr Corbell said that the inclusionary zoning issue has been debated for a number of years and considered by the affordable housing task force. It is a matter of fact,

a statement of fact; it is true. That means it is a concern; that means we have to do something about it. Mr Corbell also stated, like every other person who has spoken, that there are flaws in our approach that work against the benefits. Many people have stated, again, that costs are simply passed on, and I have already addressed that.

There are flaws in our approach—absolutely. That is why we wanted it to go to a committee. We are not the experts here. I am sure many of you are, but I do not pretend to be an expert on this one. The planning and environment committee has the ability to call on expert advice, and that is why we wanted to go there. By the way, I foreshadow that I am no longer going to move the motion that it go to a committee, because no-one wants to be defeated twice in five minutes!

There is the increased complexity of regulations when we are planning to simplify it. I often wonder who benefits from proposed simplifications. We have to be very careful that we are not pandering to a certain rowdy part of the housing industry here and actually hurting those who do not have voices and who can never ever aim to own a house. I think that, on the whole, Mr Corbell just repeated points made by Mr Hargreaves and I have addressed most of those.

Mrs Burke—consultation. We need to be quicker. All I have here is a question mark. Excuse me: I am not quite sure what you mean. This is a revision of the earlier bill and I know that my staff consulted very broadly with other offices. Of course, you have all discussed this before and you knew it was coming up.

Mrs Burke also said that we have more government housing than anywhere else in Australia. Okay, but that does not mean we do not have a problem. We still have a problem of not enough housing. The waiting lists in other states are even longer than they are here, but that is not something to be proud of.

**Mrs Burke:** Did I say I was proud? I don't think so.

**DR FOSKEY:** Good. The Greens are off the mark because we should be more concerned about asset protection. We are concerned about asset protection. We certainly do not want the public housing estate to shrink. We are looking at means to help it grow. Now, Mr Seselja.

**Mr Seselja:** It's my turn; I have five minutes!

**MR SPEAKER:** Order! Dr Foskey has the floor.

**DR FOSKEY:** On this one we heard similar arguments to those raised by Labor members. I think a lot of the assertions made today by Mr Seselja and others really need to be explored—for instance the flat statement, “We will see higher unit prices and rents, and a decreased revenue flow to the ACT government.” How do we know these things could happen? Are there measures that could be put in place to make sure they do not happen?

Mr Seselja, there is also little doubt that this bill would push prices up but, again, I need to know more about that. I need the evidence; I need the investigation. If we are

committed to providing affordable housing to the lowest income people in our territory, then we should look at ways to mitigate these issues.

We are a government; we do have certain powers. By the way, they are a government and they have certain powers. I am informed by them over and over again that this is a government committed to social justice. Here they had before them a bill that would have made it easier for them to achieve housing justice.

Mr Seselja used the term “simple economics”. I did economics too; I did it at university level as well. Economics is never simple; it just ain’t. If you are going to say that demand and supply are at work here in the housing market, then I think you are leaving out many things that operate outside that. For instance, there is a time lag between demand and supply. I think at the moment we are looking at oversupply of certain kinds of houses—and that oversupply has not brought rents down for lower income people.

We did check with some developers; it is not true that we did not consult. I would like to go back to Mr Seselja’s last statement which was that, “Our goal is not a bad one but the Greens need to think it through.” I thought that was what this Assembly was for—to work together, to think through—for solutions to our problems.

We have heard that the South Australian government has made a commitment to expand the supply of affordable housing. There is little detail yet about how this will be implemented, but that is a government that had the courage to move this, to put it into effect, and it provides a model for us to watch. Let us also not forget that in New South Wales there are some areas set up as inclusionary zones. Mr Corbell did not refer to those, but I would hope the government is in touch with people there, monitoring how it happens and how it works.

In the government’s last response to the affordable housing task force recommendations, they stated that, “The recommended three to four per cent hand-back option in new multi-unit development sites will be examined”—will be examined—“especially in relation to ensuring a transparent and effective implementation.”

It is very disappointing to us that we have seen no action towards this. In fact, we have not even been spoken to or approached by the minister’s office with any interest to amend our legislation. Our legislation is flexible and allows the government to negotiate over each unit development. The government has the flexibility to waive or adjust charges associated with changes of lease and other planning charges, just as it has chosen to do as an incentive for development in places like City West.

Referring the bill to a committee would have been a step towards nutting out some of the issues members have raised today about our bill. It is an opportunity to have interested parties—including developers, housing interest bodies and the government—contribute to a discussion about the best way to address inclusionary zoning and affordable housing. It is not enough to respond and agree to the recommendations; we need a plan to implement the recommendations of the affordable housing task force. The New South Wales government has set up a section within its department. Where is our equivalent?

In conclusion, I see our bill going down but that is, I think, a reflection on the fact that people here weren’t willing to take it, work with it and make it into something they could

live with. We have a problem on our hands. We are not going to solve it by making it easier for already reasonably well-off people to buy their first homes. I am very disappointed that the government is not accepting my bill.

Question resolved in the negative.

## **Voluntary student unionism**

**MR GENTLEMAN** (Brindabella) (11.36): I move

That this Assembly:

- (1) notes with concern the recent tabling in the Commonwealth House of Representatives of the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005;
- (2) considers the significant negative implications of the introduction of voluntary student unionism to universities in the ACT for the student population and the broader community;
- (3) recognises the provision by student unions of important representative and welfare services and the significance of student community to the provision of quality tertiary education; and
- (4) expresses its commitment to the principle of student unionism.

The motion I bring before the Assembly today refers to matters that will, I believe, have a very significant effect on the university student population of our territory, both present and future. University students comprise a significant sector of the population of the ACT and the quality of our educational facilities brings students from across New South Wales, Australia and the world to study in Canberra. Student unions are a vibrant hub of activity in Canberra and provide a range of important welfare services and representative functions for our student body. This contribution to our community is a valuable one and, as with any attack on an organ of our community, attacks on student unions in the territory should be vigorously opposed by this Assembly.

On March 16 of this year, federal education minister, Brendan Nelson, introduced into federal parliament the Higher Education Support (Abolition of Compulsory Up-front Student Union Fees) Bill 2005. This bill, if enacted as legislation, will prohibit higher education providers from requiring payment upon enrolment for the provision of amenities, facilities or services that are not directly associated with academic studies. A breach of this provision will result in reducing funding to the territory institution by the commonwealth. That means a direct penalty for an institution that does not follow the Liberal doctrine.

This bill enacts voluntary student unionism but would perhaps be more appropriately titled anti-student union legislation. This is the third time since coming to office in 1996 that the Howard government has sought to introduce its ideological warhorse. In 1999, the Higher Education Funding Bill introduced by then minister for education, David Kemp, followed the same model we see here today. Then, as part of the GST deal with the Democrats, it was pulled off the table.

In 2003, the introduction of a like bill formed part of a post-budget package of bills that attempted conditionality of university funding based on the take-up of AWAs by university staff, along with the introduction of 25 per cent fee hikes and domestic full fee paying services. It was rejected then, but in one of the first examples of the use and abuse of majority control of both houses of federal parliament, we see the federal government bringing back into the legislative calendar this ideological objective—the attempted destruction of Australian student unions.

Student organisations in the ACT have a proud history of providing representation, organisational facilities and services to the student population of Canberra. It is this work that is currently under attack. We know that this legislation presents an attack on student unions, and the likely impact its passage will have on their operation is revealed by the Western Australian experience.

The federal government's bill is similar to the one adopted by the Western Australian Liberal government in 1993. This is the full-blown version of anti-student union legislation. When it was introduced in Western Australia, university campuses experienced massive service and representational cuts. Welfare officer positions were reduced. Funding for clubs and societies was reduced. Campus publications were discontinued. Women's rooms were closed. Student emergency loans were discontinued. Sexual assault referral services were discontinued. Housing services were discontinued. The list of cutbacks is far longer than the ones I have just mentioned and circumstances varied from campus to campus. Yet, across the board, the Western Australian experience of anti-student union legislation was one of the abolition of student support services, denial of structures of representation and the destruction of community on campus.

Abolition of these services, both welfare and representational, has a severe impact on our community. Not only does it deliver a crushing blow to the notion of community on campus, but also the work of student organisations in addressing serious issues of student welfare will fall more heavily on the broader community. In student unions there is an adage—student control of student affairs. I consider it a noble one.

The service delivery aspects of student unionism in Australia today developed importantly from the functions of political representation. In this case, the chicken and the egg problem is easy to solve. The provision of welfare services, from health and counselling services to childcare and accommodation to financial support in the form of emergency loans arose from the political mobilisation of students on Australian campuses. The students took control—and continue to do so—of their own affairs. In addition to making an important contribution to the cultural and social lives of their members and the broader community, they make an important contribution to the provision of quality services to their members.

This contribution should be rewarded and supported, not condemned on the basis of an ideological disposition. It is apparent that this is the basis of the bill. The services that student unions provide to Canberra are significant. The cultural and social contributions of their organs are similarly important to our community. The capacity and commitment of those involved in student unionism in the territory to representation of their members is also important.

Yet the federal government is seeking to undermine this important contribution on the premise that, to preserve choice, we must limit options. This is no kind of choice at all. The Western Australian experience of anti-student union legislation demonstrates the decline in services available to students as a result of the abolition of a universal contribution. Those services that did continue were reduced in their capacity and accessibility and were primarily funded by the universities themselves out of general operating budgets. This impacts on the capacity of universities to ensure the maximum quality of education. It impacts on us all, not only those in need of access to important services or representation.

The introduction of this legislation does not provide students with choice. It denies them choice. When services that are essential are no longer or not as readily available, there is no choice. You cannot choose to pay for a service that does not exist. Without universal student unionism, important functions of student unions could not survive. Anti-student union legislation is not about ensuring choice; it is about denying students their choice.

A challenge was presented last year to principles of accessible education by the introduction of federal legislation allowing increases of up to 25 per cent in HECS fees and the introduction of domestic full fee paying places. While predictably this legislation was framed in terms of choice, both for academic institutions and individual students, equally predictably the effect is to minimise choice for those potential students unable to pay high tuition fees.

The role of student unions in minimising the impact of these and other adverse positional changes to higher education is significant. The welfare services provided by student unions to their members in the form of assistance in accessing welfare services, accommodation services, health and counselling services, supporting students with disabilities, students as parents and other students for whom access to tertiary education presents particular challenges facilitate the access of those students to higher education.

Political representation and mobilisation through student unions is essential in campaigning against negative changes to higher education that limit access and re-establish universities as elite institutions. Despite the passage of the bills last year, the opposition from student organisations and the broader community to these changes highlighted the important capacity of student organisations to represent the interests of their members. This occurs at the campus level, too, through student representation on faculty boards and on university councils.

Academic appeals are an important function of student unions and are essential in ensuring accountability and due process of academic processes in Australian universities. Academic support in the form of study skills provides students with an important academic support to realise the full value of their education. The roles, functions and activities of student organisations are essential for the realisation of accessibility to tertiary education. They provide institutional and political support for students who otherwise would have difficulty accessing education or otherwise would be unable to realise their educational potential.

The cultural contribution of student organisations in this capacity cannot be underestimated. Student organisations provide important funding and support to the

clubs and societies, sporting organisations and student unions that are the hub of student activity on campus. Without this support, these activities would be exorbitantly priced and inaccessible or simply would not exist. The importance of these social and cultural activities to students is immeasurable. For students facing difficulties of access to tertiary education, campus as a community can be essential in providing a social support network. For students whose access to tertiary education is limited because of financial concerns, the inflation of the cost of participation in campus life will further preclude their participation and their access.

While it is argued in the bill itself that the activities, services and functions of a student organisation are extra academic activities, when considered in this the light it is apparent that the distinction is not so clear cut. This has been repeatedly recognised by the university administrations. The Australian Vice-Chancellors' Committee reaffirmed a statement late last year that recognises that the services provided by student organisations are an "important element in the social and cultural life of universities and part of the education process" and are "an integral part of university life".

I would like to quote from a paper recently released by the National Union of Students. It states:

At a time when the social fibre of the community is being atomised, universities provide a valuable vehicle for development of active citizenship. University student organisations are an example of institutions which allow citizens to engage in the debate and activities of direct relevance to them.

These are comments with which I wholeheartedly agree. I have argued before in this chamber and in our community the importance of encouraging and supporting an active and vibrant democracy through active engagement. University student organisations are about this very engagement. I am sure it is arguable in a narrow sense that it is a platform for student politicians. I would argue, though, that that is not a bad thing, even in its narrowest sense. It is important that our young people are engaging, that they are developing ideas and putting them into action. The debates are reinvigorating our society and our democracy. Engagement exists beyond this. In organising events, contributing to student publications, participating in sporting, cultural and social events and managing enterprises of student organisations, these students are engaging in the community around them, even to the extent of actively contributing to our own Legislative Assembly.

The bill is about silencing the student voice. Active engagement should be supported and rewarded by our community and, as I said earlier, should never be condemned. Student organisations provide the space, the resources and the capacity for our students to engage with, and contribute to, the community around them. Enforcement of their demise is antithetic to promoting values of our democracy and engagement in our community, and for the spurious reason that these organisations are called unions.

This federal government's ideological rampage on collective organisation is threatening our industries, our workplaces and our working families. Now it is also threatening our student unions. For anyone who bothered to read Eric Abetz's rant in the *Canberra Times* last week, it is apparent that it is the ideologues in the federal Liberal Party who are driving this one. It makes no sense otherwise.

The importance of student unions to students, to the campus community and to our broader community is significant. Its importance will be more apparent when the federal government seeks the passage of this legislation and those student unions are destroyed. In pursuing ideological objectives, the federal government is failing to recognise the very real and important contribution that student unions make to our community. I consider that it is important that we in the Assembly do not make the same mistake.

This motion seeks to recognise the contribution of student unions to our community and to those students who live, work and study in the ACT. It recognises the severe impact passage of this bill through the federal parliament would have on our community and on the student population of Canberra. It recognises the importance of universal membership of student unions for the continued provision of quality services and effective representation to the students of the Canberra community, past, present and future. It is an expression of our commitment here in the ACT to the principle of student unionism. I urge members to support the motion.

**MRS DUNNE** (Ginninderra) (11.51): A member of my staff suggests I should start my remarks by saying, “More ideology from my comrades on the left.” But I have just realised that this debate is actually about ideology, and it is one of those irregular verbs: I have firmly held views. You are an ideologue. He—especially if it is Eric Abetz—is a ranter.

This motion, as usual, is misplaced. This motion is welcome, but I think that Mr Gentleman has missed the point, which is why I propose later in the debate to move some amendments. Mr Gentleman wants to condemn the federal parliament for doing something that upholds the ACT human rights legislation. On the contrary, we should be commending the federal government for tabling a piece of legislation that gives students choice. This is entirely about choice. It has been a long time coming, and I am glad that Mr Gentleman took time to actually point out just how committed the federal Liberal Party has been to the principles of freedom of choice.

Dr Kemp has attempted to do it. Dr Nelson has attempted to do it on a couple of occasions. Now, hopefully, we will be seeing this long held tenet of liberalism coming to fruition and, considering the events of yesterday, I think it is quaint that Mr Gentleman has the sheer brass neck to talk about the use and abuse of a majority.

Dr Nelson has brought forward a longstanding tenet of the Liberal party—student choice. I did not see any concern about the abuse of a majority yesterday, when the Labor Party decided that it would nobble the estimates system. Yesterday it was, “We’re upholding a longstanding tenet of the Labor Party. We’re going to nobble the estimates system.” That is an abuse of a majority. The federal legislation is the implementation of a longstanding Liberal Party tenet.

The issue is not about student unions. It is about students and their capacity for freedom. We agree that there should be student unions and trade unions and craft unions and all sorts of associations that people join for a range of reasons. While I was in a position where I could join a union, I always did. I always encourage my children to join the appropriate union for the industry in which they work, especially when they are working in low paid industries. I agree with the principle of unionism everywhere. I do not think



there is a member in this place who does not. But I also agree with the notion expressed in the Human Rights Act—Mr Stanhope's Human Rights Act—that everyone has the right to freedom of association.

Like the Chief Minister, we do not believe that this should be compulsory. While we may not always necessarily agree with everything that unions do, we agree that they ought to exist. Today we are looking at the merits of voluntary student unionism. This is what Mr Gentleman would prefer not to do because the NUS and their supporters never look at the other side of the issue. We are not about removing services and sending universities broke. We are about providing choice. What it really boils down to is that, if there are associations on campus that are worthy of support, students will join them. As they do now, they can join clubs and societies.

But if I choose as a student to join the Liberal students club on campus, I do not expect people who have allegiances to the Trotskyists to support my endeavours in the Liberal club and I do not expect to support them. This is what compulsory student unionism is about. It is about being able to get on the gravy train and get the funds being dispensed out of the student union. Interestingly enough, most of the time the gravy train is usually directed to those on the left, and that is a problem.

In my past experience—it is a bit long ago now—I can recall occasions when student union money, money raised by students, money coming from students, was sent to some of the most ignoble and dishonourable people in the world. The one that sticks in my mind is the Shining Path in Peru. Even the Maoists disavowed them! Money paid by Australia university students went to support Sendero Luminoso revolutionaries in Peru, and that is a matter of shame.

If these associations and unions were so good, voluntary or not, people would join them. This is what choice is about. We have to ask ourselves: why are the NUS and its advocates, like Mr Gentlemen, so scared of student choice? Why are they adamant in their determination to force students to pay these fees? Mr Gentlemen and his colleagues bleat and carp about the injustices faced by students paying HECS or paying for full fee places—and we heard it today—yet they demand that students in Australia and in the ACT endure other compulsory, upfront appropriations from their hard earned money.

This is the thing. It is like the old BLF adage—no ticket, no start. You can get away with not paying your upfront fee, but I tell you what: you cannot get your degree and you cannot get access to a whole range of academic services. For instance, people doing prac teaching or things like that cannot go to professional training unless they have paid their upfront fee to the student union. That is where things get really bad, because student activism is actually getting in the way of people making academic progress. We have actually moved on from no ticket, no start to no ticket, no finish.

This is what is wrong with compulsion. Let us just look at what we are talking about. We are not talking about small amounts of money. People are commencing university at 18. They have just finished school. They do not have a great access to funds. They have to shell out for a whole lot of things that are important, like books, and if you are doing law or engineering, some of those books are hideously expensive. On top of that, at the university of New South Wales you pay \$502. At Sydney University you pay \$509; at RMIT \$500; University of Melbourne \$392; Griffith University \$306 and

Flinders University \$363. The ANU is actually not too bad, nor is the University of Canberra, at \$220 and \$270.

What this boils down to is that, as a result of gathering these fees in 2005, there are 37 student union bodies across the country that are sloshing around with a massive \$161 million to be donated to organisations like the 21st century equivalent of the Shining Path revolutionaries. That is why students should have a choice. If they want to donate to revolutionaries somewhere in the world, they can do it out of their own pockets. But for the students who do not want to, who would rather donate to St Vincent De Paul or St John's Ambulance, that is not possible. They do not have that choice.

Someone said to me today, "The students association at the ANU does not represent me because I am a member of the Liberal students association." The students association at the ANU makes decisions on the grounds of political affiliation and the point that was made was, "Why should I support them? They will not support me." This is not a blind, unbiased organisation. They will pick their favourites, and they would rather pick the Shining Path revolutionaries than the Liberal students or the democratic club or a whole lot of other organisations.

In the time remaining I would like to turn my focus to the Human Right's Act. As I have mentioned before, section 15(2) states: "Everyone has a right to freedom of association." This is the ACT ALP's own legislation. Let us hear it again: "Everyone has a right to freedom of association." Everyone, that is, except students. I am wondering: when the ALP caucus sits down and decides what moronic motions they will put on the notice paper for private members' business, do they do a human rights assessment like they do with their legislation? Presumably they do not, because this motion would have failed the test on this occasion.

It is important to recall that the ACT bill of rights is largely informed by the seminal United Nations documents on human rights, specifically the 1948 Universal Declaration of Human Rights and the 1966 Convention on Civil and Political Rights. What do these documents say about freedom of association? Article 20 of the 1948 Universal Declaration of Human Rights states that "everyone has the right to free association" and "no one may be compelled to belong to an association".

The ALP has conveniently forgotten to mention these clauses, so I will remind them: "No one may be compelled to belong to an association." Did you get it, Mr Gentleman? No one may be compelled to belong to an association. This is essential in understanding what freedom of association entails. Simple logic leads any reasonable person to the unimpeachable conclusion that, if freedom of association implies a freedom of association, it also implies a freedom not to associate.

How can any association that occurs as a result of coercion and is an association not made voluntarily be said to be free? The simple answer is that it cannot. Where associations such as student unions are not entered into voluntarily, this sacrosanct principle of human and civil rights is thrown out the window. The ALP's hypocrisy on human rights is brought to the fore on this issue: "How dare we let a person's civil liberties get in the way of the agenda of our union mates?"

The Liberal party believes in freedom of association as a fundamental tenet, and that is why Dr Nelson has reintroduced this legislation. I suppose that is why Senator Abetz is accused of ranting. It goes to the core of what we are and what we believe in, and to condemn the federal government for wanting to give students choice is simply reprehensible. That is why the Fraser Liberal government formalised Australia's commitments to the UN human rights obligations; it was the Fraser government that introduced the human rights commission.

Decades ago membership of the Australian workforce in unions pushed around 70 per cent and now it is down to around 20 per cent. I have to ask: why is that so? I think that the answer is fairly simple. Unions do not act in the best interests of their members; they act in the interests of the union organisers.

*Ms MacDonald interjecting—*

**MRS DUNNE:** Mr Speaker, if Ms MacDonald would take the time to actually listen, rather than just interject, she would have heard me say that I have always been a member of a union where there was union coverage of the organisation in which I worked and it was appropriate for me to be so. I was a member of the CPSU and its predecessors for the 17 years I was in the federal public service. I was a member of the Miscellaneous Workers Union. I was a member of a range of clerical unions when it was appropriate to do so. So if you are going to start throwing stones, Ms MacDonald, get it right.

Unions do not stand up for their workers. They stand up for the officials that work for them. I think it is a great shame because I try to encourage my children to belong to unions when they work in low paid areas. They say to me, "Why should I bother? What do these people do for me?" That is the answer. That is the real problem. This is why the NUS and their coterie do not want voluntary student unionism. If people have the choice, they will not want to sign up to tenets of the NUS. It will mean that the NUS and their coterie have to change. They would have to provide a service that is relevant and up-to-date and meaningful for students. Instead, we have all this cant about how all these services will disappear.

Ms Porter here has been a great advocate of community involvement in the provision of services. Ms Porter and you, Mr Speaker, and I are patrons of an organisation in Belconnen. If important services need to be provided on campus, it shows the way. It is a cooperative organisation of people banding together to provide services, with a small, upfront fee for those people who choose to join, not \$590. The ANU medicine cooperative and counselling cooperative could come together with people who choose to use those services paying a fee on a cooperative basis and those people who actually choose to use their own doctor not having to pay those fees but going elsewhere. This is what freedom is about, and Mr Gentleman does not understand it. I move my amendments.

**MR SPEAKER:** Mrs Dunne, you will need leave to move the amendments, now that you have spoken.

**MRS DUNNE:** I seek leave to move my amendments together.

Leave granted.

**MRS DUNNE:** I move:

paragraph (1), omit the paragraph, substitute:

“(1) commends the Commonwealth Government for the introduction of the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Unions Fees) Bill 2005 because it upholds part 3, subsection 15(2) of the ACT *Human Rights Act 2004*”;

(2) paragraph (2), omit the paragraph; and

(3) paragraph (4), insert “voluntary” before “student”.

**MR MULCAHY (Molonglo) (12.07):** Mr Speaker, I am pleased to speak in support of Mrs Dunne’s amendments because I think they recognise a most valuable and welcome initiative from the commonwealth government. We should reflect on what voluntary student unionism is all about. Voluntary student unionism is a fundamental and straightforward principle of freedom of association. What we are seeing is legislation that provides for an end of compulsorily acquired student union fees at Australia’s tertiary institutions. We are seeing the implementation of a policy, which in fact forms part of a federal election platform of my party, which was overwhelmingly endorsed by the Australian people. It has been incorporated into backing Australia’s future higher education reform that the minister for education would be well aware of.

What does voluntary student unionism do? It ensures that union fees are lowered and that student services are improved. It does not preclude raising fees for extracurricular activities, but on a voluntary basis. The measures introduced on 16 March by the Howard government will make student payments voluntary. It is a campaign that many of us have been involved in for more than 30 years to try to bring about a just outcome, which we are now about to see. As Mrs Dunne pointed out, student unions acquired more than \$160 million in compulsory fees from Australian full-time undergraduate students. Student union representatives have regularly claimed compulsory fees to fund services, and many of the students who are forced to pay these fees have no idea what their money is being used for, as student representatives invariably omit the facilities that they want to support or be involved with and the allowances that are funded by these fees.

Is it not tragic that every time this debate comes up, we are told all these valued services are going to disappear? But then, when we go and talk to the students, we find this incredible lack of support for these so-called essential services. On hundred and sixty million dollars is taken out of the pockets of students around Australia who can ill afford to part with those dollars. Most of them have part-time jobs to try to help support themselves through uni, but the Labor Party says, “Let’s take more out of it and if you do not pay up the fees to the union, we are going to stop you getting a degree.”

How do they reconcile that with their so-called commitment to freedom of association and human rights values? The Chief Minister I think presents himself as something of a modern day Lionel Murphy, who was a great advocate of a human rights bill and all

this stuff. But, of course, it does not apply when it affects your own turf. So what we see is the government here suddenly seeing its own backyard threatened. There has certainly been a long association between the Labor Party and student unions. In fact, going back to my days in the '70s at university, we saw, time and time again, these university union funds used to support a whole range of lost causes. They were sending money off to the PLO and various other bodies. That was something that was bound to upset a lot of people, but it was being funded through compulsory fees.

There are other activities that are funded. So many of these activities are spent ultimately on alcohol and subsidising alcohol consumption, and really there should be no basis to compel people to pay money over to see it wasted in such a fashion. There is no equity in a flat tax system, as is supported through the student union arrangements. This is surprising from the Labor Party, which is on the record as supporting some graduated form of taxation in other areas, where the rich pay more. In the case of universities, the poorer students are hit with these heavy fees to fund activities that in many cases they have no interest in. If they do not fork over the money to the university unions, they are denied this so-called fundamental right of education that Labor always talks about.

It is extraordinary when you look at the amounts being paid. The University of Sydney, when I looked at its accounts years ago, was worth more than \$2 billion in assets. It topped the list of Australian universities, with 26,500 students forced to hand over \$14.9 million with fees up to \$590. Monash University in Melbourne is another that closely followed, taking \$13.4 million in fees out of the pockets of students.

What do they do with these fees? The Labor Party, of course, will relate very closely to the University of Melbourne and their famous student union down there and their failed \$48 million property deal and all of the dramas that have resulted from that student union being thrown into receivership as a result of their dealings and the investigations by police into some of those extraordinary things.

**Mrs Dunne:** And let's not forget "wadgate".

**MR MULCAHY:** And who were the people involved? Well, surprise, surprise. Members of the University Labor Club were the key figures.

I understand that these funds that have been generated over the years are very helpful in terms of campaigns that might attack this side of the political spectrum, but I really do not think that there is a measure of justification that warrants students who do not want to be part of this activity being forced to pay these fees. Most people attend university to get an education, to get a degree and get on with their lives. But there is a percentage there that wants to make it a lifestyle and, sadly, what the government is attempting to do in the ACT is defend that sort of pressure and demand being imposed on students.

Union membership should be voluntary and services should not be propped up by the compulsory appropriation of students' hard earned money. It is important to note that currently in every state and territory throughout Australia, if a university student fails to pay their compulsory non-academic union fee, they will be prevented from graduating. How can people who are committed to social justice, to equality, to fairness, as they purport to be, support a system that says, "We are going to make you pay money and you will be denied education, irrespective of your financial position, so we can fund our

activities.” What do the people who are getting the money do with it? Surprise, surprise, the National Union of Students got involved in running a marginal seats campaign before the last federal election. But they say they are not political; they just do not like the Howard government.

We have to sit back and see our own children, children of members of this place, children of the ACT community, being told they have got to part with their dollars to fund a campaign to support the Labor Party’s rather pitiful attempt for the third or fourth time to secure federal government. Of course, the people of Australia sent a very clear message as to what they thought about their suitability. But the students are the ones who have got to find the money and fund these activities while we hear the Labor cause promoted.

The initiative being shown by Dr Nelson and his colleagues in pursuing this reform is commendable. I commend Senator Abetz, who has been unfairly described here today. I refer Mr Gentleman to articles from the Hobart *Mercury* on 19 March, where Senator Abetz has expounded further on his views on this topic. He particularly focused on the illogical and socially unjust arrangement that forces every student, irrespective of means, to pay the same compulsory upfront fee, so that wealthier people can have such things as subsidised beer and the like and to support political activities that this government wants to see pursued.

We have seen examples of the success of voluntary student unionism, particularly in Western Australia, and I know the minister for education will be champing to get up and tell us about all the critical services have been lost in Western Australia. But in fact the universities in Western Australia work remarkably well. The model over there in WA is thriving. They seem to be coping without compulsory payment of union fees. The students have not come screaming for those things to be reintroduced or volunteered to pay funds. I always have the view that, if something is viable, people will support it. But in this city, in the city of Canberra, where millions of dollars are being paid—I think students attending ANU and the University of Canberra are paying \$3.13 million—there is a resounding lack of enthusiasm for what the ACT government is proposing.

Take some time over the lunch break to go across to those campuses and ask those students how many of them actually think this is a great notion, a great idea. You will find an extraordinary lack of support. You will have to move outside the Labor Club, because I think they will be pretty keen on Mr Gentleman’s motion, but basically you will find that you are not supported. If you are providing a service that nobody wants to pay for or support, then you have to question the value of that service to the community at large.

I think Mrs Dunne’s amendments are commendable. I hope that the ACT government will see the error of this original motion, that they recognise the importance of the Human Rights Act, which they have advocated so strongly, and the fact that Mr Gentleman’s motion is remarkably inconsistent with the freedoms of association enshrined in this act. We look forward to the amendments being accepted by Mr Gentleman as part of this ongoing debate.

**MS PORTER** (Ginninderra) (12.17): I commend Mr Gentleman for bringing this matter to the Assembly. I join with him in condemning the legislation introduced by the federal government. I will not be supporting Ms Dunne's amendments.

In the ACT we are proud of our nationally recognised system of higher education. We possess a first class institution for vocational education in the Canberra Institute of Technology, as well as internationally recognised universities such as the Australian Catholic University, the University of Canberra and the Australian National University. It is because of this commitment to an educated community that Canberrans stand to be particularly affected by federal government moves to destroy our university communities. Because that is exactly what this legislation will do. Student organisations are a vital part of campus life. They provide services to the university and the broader community that quite simply could not be provided otherwise.

Federal education minister, Dr Brendan Nelson, in his attempt to justify this legislation, used the example of a single mother training to be a nurse who may be said to subsidise the activities of canoeing or mountaineering for other students through her student amenities fees. What Dr Nelson conveniently failed to mention is that this single mother has access to a range of other facilities and services on campus that may more adequately suit her needs. For example, she may benefit from the provision of childcare facilities at an affordable price or from the existence of inexpensive health advice on campus.

The cross-subsidisation of services within a university community produces the kind of environment which Australian universities are renowned for. Our university communities foster an environment of tolerance and respect, where difference is celebrated because of its contribution to the diversity of our community. If this legislation is introduced, that diversity will become a memory. This is because the services that benefit the most disadvantaged members of the university community will go first. Childcare services, legal consultation and welfare advice may not be the most commercially viable commodities in society and they may not be able to be sustained in the market demand environment in which Dr Nelson places so much faith in determining what services a university student requires, but they will be noticed when that same single mother, whom Dr Nelson claims to be defending, is forced to defer her studies because of the lack of support available to her.

As Mr Gentleman said, all major education stakeholders are opposed to this legislation: community groups, students, university staff and university administrations. They can see that sometimes there can be more important things than commercial viability. The community needs to cooperate to ensure that its collective resources can be spread in a more equitable and just manner so that all members of the community are allowed the opportunity to succeed.

University campuses will change forever under this legislation. Food outlets, free stationery and emergency financial assistance will all be lost. Legal, welfare and psychological advice will be things of the past. Student magazines and newspapers, which have produced many of Australia's finest journalists, will be gone. Second-hand textbook outlets will be forced to close down, Mrs Dunne. I personally remember how important these were to me when I was completing my tertiary studies. At some universities the provision of accommodation assistance and employment services are funded from the student amenity funds and therefore will be lost. Sporting and recreational facilities will be gone.

Why are these important facets of university life to be stripped down? Well, Dr Nelson has used every tactic in the book to misrepresent the activities of student organisations in order to garner public opinion behind his limited arguments against the universal payment of student amenity fees. He and the opposition argue that universal membership of student organizations breaches an individual's right to freedom of association, and he argues that student organizations are lacking in the necessary accountability requirements of a service provider. However, the Australian legal system has repeatedly upheld the authority of universities to charge a compulsory amenity fee without breaching the rights of students. Universities do not force any member to become a part of their community. In fact, the competition amongst Australian universities means that freedom of association is a right available to all Australian students.

The motivation of the federal Liberal Party for introducing this legislation becomes a lot clearer when we examine Dr Nelson's second major justification for the legislation, that is, that the funding for student representation is, in effect, unfair because students are forced to finance the activities of representatives they disagree with. This argument is flawed. It does not take into account the extensive accountability mechanisms that are built into student organisation.

Student organisations, like governments, represent diverse constituencies and are democratically accountable in the form of regular elections. In fact, it could be argued that student representatives are made more accountable due to the regularity of their elections. Student organisations in Australia have a mechanism that will allow students to conscientiously object to the activities of organisations. Unlike the federal system of taxation, students can apply to have their financial contribution excluded from the funding allocations for student organisations that undertake activities they disagree with. I would suggest that, if such a provision existed for federal taxes, more than a couple of students would be applying for their taxes to be diverted at the moment.

Student organisations do have a political role. As elected representatives of students, they are best positioned to speak on behalf of student interests in the same way that governments are best positioned to represent society. To argue that this representation is any less valid just because of a difference of opinion is to miss the point of representation. I do not agree that a student representative is able to represent each and every student's opinion, rather that they are democratically elected on the basis of their commitment to the university community, a sufficient indication of their dedication to true and honest representation.

If this legislation is passed, not only will students lose representation on an external level, but also the ability of university administrations to consult with students will be severely affected. No longer will there be a peak student representative such as the student association president or guild chair with whom the university can consult on the impact of policy changes for students. No longer will students be represented on the boards and council of Australian universities. The direct impact of this will be that university policy will be shaped without the opinion of students, surely at the heart of the university's existence, being taken into consideration.

The Howard government, in particular Dr Nelson, has neglected its responsibility as shepherds of Australia's higher education system, a system which is internationally



recognised for the holistic approach it has traditionally taken in educating our population. In a feeble attempt to justify their neglect of student welfare, they have put up arguments relating to freedom of association and the lack of representation that not only miss the point, but also are clearly false.

The ACT government can be proud of its record on education. The reason the ACT maintains a highly educated and intellectually active community is because of the commitment of the ACT government to making education opportunities accessible to all. Unfortunately, the federal government has shown no such commitment. Student organizations are the next in line to suffer the consequences. I commend Mr Gentleman's motion to the Assembly, and I urge the federal government to further consider the implications of its legislation.

**DR FOSKEY** (Molonglo) (12.25): Whilst I see that debating both Mr Gentleman's motion and Mrs Dunne's amendments in this Assembly will not have much impact on the federal government, I just wanted to say that I support the motion and oppose Mrs Dunne's amendments. I do not believe that this debate has brought out the prettier side of Liberal ideology. As somebody who has just recently come from a university, where I was both a student and a teacher, I want to emphasise the importance of the current state of affairs.

People who have benefited from the benefits of compulsory student unionism are pulling the rug out from under future students. The ACT Greens are opposed to the Australian government's Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005, which seeks to undermine student university organisations by introducing voluntary student unionism. This will have, we believe, a significantly detrimental effect on tertiary students in the ACT. The Greens representatives in the Senate have successfully blocked previous attempts to enact this legislation, which we believe has no policy merit and is simply part of an anti-student organisation agenda, even though a number of Liberal politicians have no doubt been fostered by this very support.

There is very little community support for this legislation. Students on the whole are opposed. University administrators and staff are also opposed. Major representative groups such as all the student unions, the group of eight vice-chancellors and the Council of Australian Postgraduate Associations have all expressed opposition. The only group in favour of this legislation appears to be the Liberal Party. We can find no evidence of any other community group that supports the bill. Among their ranks are unhappy backbenchers who have spoken out about the impact of voluntary student unionism on sporting prowess and activities. I am sure that they are only speaking out because they have been pressured to do so by constituents whose views they respect.

It is very unfortunate that the Australia government's impending majority in the Senate may allow it to proceed with uninformed and undemocratic legislation, ignoring the wishes of students and undermining their ability to provide necessary services to university students. When the Senate Employment, Workplace Relations and Education References Committee looked at this legislation in 2003, it was highly critical and recommended that the bill be withdrawn. The committee summarised the legislation thus:

... the Government has used the occasion of this legislation to attack the industrial rights of university staff and the democratic rights of students to form associations that provide them with services and representation. These matters are entirely dissociated from the other policy aims of the package and indicate a bewildering preoccupation with ideological concerns which have no relevance to the practical needs of students. The committee joins the almost unanimous voices of members of the higher education community in expressing dismay and alarm at the direction taken by the Government in this legislative package. It calls on the Senate to reject it in its entirety.

The potential impact of this legislation is particularly significant for the ACT because Canberra is a student town, with 16.6 per cent of our population aged between 15 to 25 years. That is substantially higher than the national average of 14.1 per cent. We currently have the highest proportion of young people of all states and territories.

*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.**

## **Questions without notice**

**Mr Rob Tonkin**

**MR SMYTH:** My question is directed to the Chief Minister. Shortly after becoming Chief Minister, you issued a directive forbidding the use of Australian workplace agreements in the ACT public service. Why did you then, on 8 March 2004, sign an Australian workplace agreement with Robert Tonkin?

**MR STANHOPE:** I would have to review what I said initially in relation to AWAs, but certainly there—

**Mr Pratt:** The old memory again.

**MR STANHOPE:** No, not at all. There is a continuing need in some areas within the service for AWAs; we have always acknowledged that. We have proceeded on that basis in our management and administration, particularly in special circumstances in some areas where there are quite serious and genuine issues around the supply of certain skills and our capacity to attract and utilise certain skills within the service.

AWAs have a place; we have always acknowledged that—always. At no stage has the ALP's—or indeed this government's—position been that there would be an absolute move away from AWAs. Certainly they are to be discouraged. Certainly, the position that my government has adopted is that they are not to be used in the wholesale way in which they were applied previously to the detriment of good administration. We have always accepted that from time to time unique circumstances would arise that demanded the use of an AWA, and this was one such occasion.

**MR SMYTH:** Mr Speaker, I have a supplementary question. Chief Minister: what had Mr Tonkin done to earn the extra \$12,000 worth of non-cash remuneration, including travel, that this AWA gave him?

**MR STANHOPE:** Mr Tonkin was a senior and valued member of the ACT government's—

**Mr Quinlan:** Appointed by the previous government.

**MR STANHOPE:** He was the head of the Chief Minister's Department; appointed to that position by the previous government. At this juncture, one wonders—acknowledging that Mr Tonkin was selected and appointed by the previous government—why this Leader of the Opposition has embarked on such a personal and vicious campaign of vilification. One really does wonder.

But it is of course consistent with this government's attitude to the public service and public servants generally: that they are fair game; that they are to be denigrated at every turn; and that they are to be denied fair and just wage increases. We now know the formal position of the Liberal Party in relation to pay for public servants is that, as a group, they are overpaid; that they did not deserve their last pay rise.

And here we have it again: we have the shadow Treasurer now proudly embracing, as his particular and personal policy and philosophy, that public servants in the ACT are paid too much; that public servants in the ACT did not deserve the last of the pay rises, which they justly received under this government.

Having regard to the history of pay and work justice that was the legacy that we inherited from the previous government, one wonders how Mr Mulcahy, in particular, could lead this charge on behalf of the Liberal Party against fair and just pay outcomes for public servants. We see it now adopted by his leader in relation to Mr Tonkin.

It is a matter of some wonderment to me that Mr Tonkin—appointed by the Liberal Party; selected by them—is now treated with such disdain. He is now singled out by the Leader of the Opposition for this personal campaign of continuing denigration of a public servant, and he cannot respond on his own behalf whilst he remains employed.

**Mr Smyth:** Mr Speaker, I rise on a point of order. Under standing order 118(b) the Chief Minister is not to debate the answer. I have simply asked him what Mr Tonkin had done to earn the extra \$12,000 of non-cash remuneration. I have yet to receive an answer.

**MR SPEAKER:** It is up to the Chief Minister to answer the question how he wishes, provided that he sticks to the subject matter of the question. You asked about an extra payment and that goes to the issue of levels of payment. The Chief Minister is responding accordingly.

**MR STANHOPE:** That is true. This is the denigration by the Leader of the Opposition, by the head of the Liberal Party, of pay being achieved by public servants.

**Mr Smyth:** Mr Speaker, I rise on a point of order. The question was not about me. Under the standing orders, he is not entitled to debate it. It is specifically about an AWA and \$12,000 worth of extra remuneration. I ask you to direct the Chief Minister to answer the question.

**MR SPEAKER:** I will ask him to stick to the subject matter, and the subject matter of the question was an additional payment of \$12,000.

**MR STANHOPE:** He got a bit defensive. On a question asked of me around pay being received by public servants, it is relevant to reflect on the attitude of the Liberal Party to pay and public servants. Mr Mulcahy is on the record in this place as saying that public servants are paid too much. This is his particular philosophy; that is his position; that is his attitude.

**MR SPEAKER:** Order! Chief Minister, come back to the subject matter of the supplementary question.

**MR STANHOPE:** I will. The subject matter goes to issues such as the attitude and behaviour displayed in previous statements. From time to time we reflect on exactly what it is that Mr Mulcahy stands for. We know what he stands for on behalf of the Liberal Party in relation to pay for public servants.

I was intrigued that the only member of the Liberal Party not to speak in a recent debate about smoking in clubs was Mr Mulcahy: a previous advocate for the tobacco industry; somebody who made his living selling tobacco to children.

*Members interjecting—*

**MR SPEAKER:** Order! Everybody sit down. Mrs Dunne, sit down. Chief Minister, come back to the subject matter or resume your seat.

**Mrs Dunne:** Mr Speaker, I rise on a point of order. I ask that the Chief Minister be relevant, because I did not speak on that debate either.

**MR SPEAKER:** I have dealt with that. Resume your seat. Have you finished Chief Minister?

**MR STANHOPE:** I had not. I thought I was getting to the nub of the double standard that is being applied by the Liberal Party in relation to pay for public servants and the ethics of selling tobacco to children.

**MR SPEAKER:** Order! The minister's time has expired.

### **Health—insurance claims**

**MS MacDONALD:** My question is to the Minister for Health, Mr Corbell. Minister, in today's media there are claims that the ACT government could face large medical negligence payments due to the failure of the health department to report potential claims to its insurer. Minister, can you tell the Assembly if these reports are correct and how this situation arose?

**MR CORBELL:** I thank Ms Macdonald for the question. This is an important issue and one that, I note, was reported on in the *Canberra Times* this morning. Historically, I think it is important to put on the record that until the late 1990s, the ACT government

had no insurance scheme and was self-insured. We met the cost of any liability ourselves. In 1997-98, the then government purchased a reinsurance service and that was paid for by premium payments by the relevant government agencies. Under these new arrangements an obligation was established for agencies to notify incidents that may lead to a claim. This requirement is for agencies to notify the ACT government's insurance authority, or ACTIA, as soon as they become aware of an incident which may—and I stress may—lead to a claim, and the period of that notification must be within 12 months of the agency becoming aware of the incident.

This means that it may not often be in the same year as the actual incident. Agencies may not become aware of the incident until some time after the event. For example, the maximum period that claims under reinsurance can go back to is 1 July 1994. An agency could have become aware in 1998 of an incident that happened in August 1994; as long as that incident was notified within the insurance year, that is, 1998, it is acceptable to be covered under the reinsurance policies.

In relation to the department of health, the first thing I want to say is that the notification is about incidents and not about claims themselves. It is about incidents that may lead to claims and not all incidents end up as claims. ACT Health has been notifying incidents since its current insurance arrangements were put in place in 1998. These arrangements required health to notify the insurance authority, ACTIA, within one year. What we have seen, though, is a failure by the previous government to put in place the necessary protocols to ensure that this reporting actually occurs.

No protocols were in place within ACT health, prior to the election of this government, to ensure that notifications actually occurred within the required period, even though it was the Liberal Party that established the reinsurance arrangements, even though it was the then Liberal government that knew what the arrangements were because they approved them. They did not put in place mechanisms to ensure that the protocols were in place and that notifications were made. The government has identified this failing and has rectified it.

We have been left to tidy up the mess left by the previous government, tidy up the lack of process left by the previous government, and we have done so. In applying the new protocols, it is true there were a large number of incident notifications that were captured and notified towards the end of the 2003-04 insurance year. Let me outline the circumstances of this. In the *Canberra Times* report today there is a reference to 165 incident notifications. At least 50 of these incidents occurred prior to November 2001. Of the remaining 115 notifications that were made in June 2004, 104 were not late notifications. ACTIA advises and ACT Health advises me that nine out of the 10 claims that relate to ACT health that had been previously denied or not offered reinsurance coverage relate to incidents that occurred before 30 June 2001. So nine out of the 10 were incidents that occurred during the administration of the previous government. It is the failure of the former Liberal government to put in place appropriate protocols to ensure that notification was done within the appropriate time frame that has led to these circumstances. The hypocrisy of the Liberal Party on this is made manifest by these facts.

## **Disability services**

**MRS BURKE:** My question is to the Minister for Disability, Housing and Community Services. Minister, in your response to a question posed to you on 16 March 2005 concerning individual support packages, you said:

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.

Yesterday, you sought to clarify that the 15 unsuccessful applicants who did reach the short-listing stage did receive contact from Disability ACT. You said:

A large number of unsuccessful applicants are already linked into support and alternative service providers. However, this may be inadequate and we will continue to work towards improving their outcomes over the long term.

Are any of these 15 unsuccessful applicants set to receive emergency funding because they did not receive funding under an ISP?

**MR HARGREAVES:** Mrs Burke is asking me for a level of detail with respect to 15 individuals. I do not have that level of detail about my person; so I will take the question on notice and get back to her.

**MRS BURKE:** I have a supplementary question. Minister, why are you now putting the onus and responsibility back onto these applicants to again contact the department when you said in March 2005 that they were already receiving support from Disability ACT?

**MR HARGREAVES:** I am not, Mr Speaker.

## **Cycle lanes**

**MR PRATT:** Mr Speaker, my question is to the Minister for Urban Services, Mr Hargreaves. Minister, in a letter sent to me, dated 17 March 2005, addressing the use of on-road cycle lanes in the ACT, you stated that you do not believe there is a need to carry out a review of the on-road cycle path system at this time and that there has not been any evaluation of their usage to date.

Minister, how can you justify the ongoing construction of and the huge amount of funding allocated to the building of these on-road cycle lanes when your government clearly has no idea of their current or potential future use?

**MR HARGREAVES:** Mr Speaker, I can do that very easily because in the 2001 election the Labor Party, under Jon Stanhope, promised to build the cycle ways from, I think, Dickson to Woden and included it in our transport planning for inclusion in all major works and to do some retrofitting.

The Liberal Party lost that election. The Labor Party won that election. So we took that as a mandate to provide that particular facility. Then, in the ensuing three years, there was community discussion. Then there was yet another referendum on the issue, the

2004 election. And you people got flogged. So I do not need to do that. The community of the ACT has spoken, Mr Pratt, and you just did not listen to it.

**MR PRATT:** Minister, is the ACT government afraid that an on-road cycle lane usage survey would show that Canberra motorists have had to suffer needlessly the reduction of road widths, compromising their own and cyclists' safety, particularly on major arterial roads, and that the figures would not justify the millions of dollars spent on the construction of these lanes?

**MR HARGREAVES:** Mr Speaker, the government is not afraid that the cycle lanes process is not efficacious. It is not afraid that motorists are suffering in the way that Mr Pratt believes. The only thing that the government is afraid about is that half of those people over there will go early and be replaced by people who have some intelligence.

### **Hospital waiting lists**

**MR MULCAHY:** My question is to the Minister for Health. Minister, on 22 March, in relation to the elective surgery waiting lists reaching a new record of 5,057, you told WIN news, "Oh, this is, this is very, very much the outcome that I expected and it's normal following the end of the Christmas period."

In February 2000, 976 patients were treated. In the following year, for the same month, 988 were treated. In February 2002, 682 were treated; in February 2003, 737; in February 2004, 811 and February this year, 674 were treated—the fewest treated on record for February.

In every other year except this year the waiting list dropped in February. Why do you maintain that the list going up in February is normal?

**MR CORBELL:** If I recall correctly, the point I was making in that interview is that it is normal in the February period to see a pick-up in activity from the January period. That is what I was saying.

**MR MULCAHY:** I ask a supplementary question. Why were so few operations conducted in February?

**MR CORBELL:** The point I was making in my interview was that there was a significant pick-up in activity in February compared with January. That is simply stated by the figures. The government treats waiting lists as a serious matter. We are spending considerable amounts of money to improve access to elective surgery. Our throughput continues to grow. We continue to see more people getting access to elective surgery because of the government's initiatives. At the same time we continue to see more additions to the lists.

It is a challenge for the government. It is one that we treat seriously. It is one that I have asked my department to work very closely on. We want to make sure that theatre utilisation is good. We want to make sure that day surgery admissions are good. We want to make sure than planning around discharge is good. We want to make sure that our management of elective versus emergency surgery is good. Those are all things that we

are working extremely closely on. My comments were entirely consistent with the information released in the bulletin that Mr Mulcahy refers to.

### **Hospitals—neonatal transfers**

**MR SESELJA:** My question is to the Minister for Health. On 30 March, a young woman from Quakers Hill gave birth to a baby boy in the neonatal unit of the Canberra Hospital. You have stated in relation to the case:

When the demand is high in one city and the [Canberra Hospital] is able to, we receive patients. When demand is high here, we transfer patients to other members of the network.

How often since 2002 have women had to travel interstate from Canberra to give birth to children because our neonatal unit has been full?

**MR CORBELL:** I do not have that information with me to give off the top of my head, but I am happy to take it on notice. I should make the point, of course, that Canberra Hospital's neonatal intensive care unit is a regional unit. It services our region and we receive babies from as far away as Wagga, Cowra, all the way down to the Victorian border, Eden, and many other places in between. That is the role of the neonatal intensive care unit at the Canberra Hospital. It does participate as part of the network and, obviously, you cannot plan whom you are going to get into your unit. If one unit is facing pressures, patients are transferred to another unit. The alternative, of course, is that you do not transfer them to another unit, and that is completely unacceptable. You transfer them to where they can get the care they need. That is what happened in relation to the mother from Sydney.

Some of the ways that was handled, in terms of ambulance transfer, perhaps should have been reconsidered, because that probably was not the most appropriate way to manage her transfer. I think a helicopter transfer would have been far more appropriate. But that was not a decision of ACT Health; it was a matter for New South Wales health. But, that said, it was entirely appropriate for the New South Wales health system to transfer a patient such as this expectant mother to the Canberra Hospital at that time, because that was about making sure that she and her baby got the care that they needed. That is what it is about.

In relation to the figures that Mr Seselja asked for, I am happy to make the inquiry of my department and provide those figures as soon as possible.

**MR SESELJA:** I have a supplementary question, Mr Speaker, and I am sure the minister will want to take this one on notice as well. How often has the neonatal unit been at full capacity during the same time and unable to accept more patients?

**MR CORBELL:** It is the same question essentially, Mr Speaker. If people have been sent interstate, they have been sent interstate because there was no capacity at the neonatal intensive care unit. So it is the same question and, as I have already indicated, I will take it on notice.



## **Guardian House—demolition**

**DR FOSKEY:** Mr Speaker, my question is to the Minister for Planning. It relates to the imminent demolition of Guardian House and the subsequent development of a six-storey office building in Woden town centre. Woden town centre is in desperate need of arts and community facilities, however an analysis of the arts and community facilities available in the Woden town centre has not, to my knowledge, yet been conducted. When such an analysis is conducted it is likely that Guardian House may be found to have been an important facility capable of meeting some of these needs. Minister, what steps will the government take to address Woden town centre's need for arts and community facilities in light of the demolition of Guardian House?

**MR CORBELL:** The demolition of Guardian House is the outcome of a process commenced by the commonwealth government to sell surplus assets in the Woden town centre. The commonwealth government sold Guardian House, which was previously being used, I think, for records storage for one of the commonwealth departments located in the town centre. They sold the site; it was purchased by a private developer in Canberra who is now proposing to demolish that building to build a new commercial office development in the Woden town centre.

The future of Guardian House, as I understand it, has been assessed and looked at by the ACT Heritage Council, which has advised that certain measures to record some of the interesting architectural aspects of the building should be undertaken prior to its demolition. But Guardian House is not a heritage-listed building; nor is it a building that is on any other register that has statutory requirements involving the building's protection.

The government's view is that the demolition of Guardian House is consistent with the appropriate planning and heritage processes and that the future use of that site will be for a commercial office building, if that is chosen by the owner of the site.

In relation to arts and community facilities, Woden is already well serviced by a range of community facilities, including community childcare centres and the Woden Community Service building, as well as a public library, which has meeting rooms of its own, a government shopfront and a range of other facilities such as that.

At this stage there are no plans to undertake an assessment of the need for further facilities in the Woden area. The government has undertaken a detailed master planning process for the Woden town centre over the past couple of years. That master plan has now been completed and that is informing changes to the territory plan, which are underway right now.

There are no proposals that I am aware of to further look at the need for additional arts or community space in the Woden town centre. We believe the provision of community infrastructure in the Woden town centre is already of a high standard. We are seeking now to address some of the other problems with Woden, such as the lack of safety and security around the bus interchange and the need to improve some of the public spaces in Woden, to make sure it remains a vibrant and important town centre.

**DR FOSKEY:** Mr Speaker, I have a supplementary question. Could the minister advise me of the extensive arts facilities in Woden town centre?

**MR CORBELL:** I did not say there are extensive arts facilities in Woden town centre, I said there is extensive public infrastructure in the town centre that meets a variety of needs, including the Woden Community Service building, childcare facilities, the Woden library and the Woden public health clinic.

There is a range of facilities in Woden, a number of which provide public meeting spaces and display areas that meet the demands of the residents of that town centre. So the government does not believe that there is any justification, at this time, for an expansion of those types of facilities. Our focus is on refreshing and renewing the existing infrastructure, much of which is becoming old and rundown, particularly around public transport facilities and in the public spaces of the town centre itself.

### **Calvary Hospital—elective surgery**

**MRS DUNNE:** Mr Speaker, my question is to the Minister for Health. Elective surgery waiting lists at Calvary Hospital, in my electorate, reveal that, of the 2,066 patients waiting for elective surgery, 829, or 40 per cent, are overdue for surgery. In category 2, 67 per cent of patients at Calvary Hospital are overdue for elective surgery.

Minister, why are 40 per cent of patients on the elective surgery waiting lists at Calvary Hospital overdue for surgery?

**MR CORBELL:** Mr Speaker, it is simply a case, as I have indicated before, of the government needing to work hard to try to meet demand. And the government is doing that. The government has increased funding. I do not know how many times I can say it, but I am going to continue to say it. The government has increased funding substantially to improve access to elective surgery. And that is seeing more people getting access to elective surgery. There is no doubt about that. More people are getting access to elective surgery.

At the same time, more people are being added to the list. That is a matter of serious concern for the government. As I indicated in my earlier answer to, I think, Mr Mulcahy, the need is to continue to focus on all areas of the delivery of elective surgery procedures, including resources, to ensure that we get as many people through the elective surgery list as quickly and as reasonably as possible. And that will remain the government's objective.

**MRS DUNNE:** Minister, how many patients will be overdue for elective surgery at Calvary after the month-long lull in surgery that is currently under way at Calvary?

**MR CORBELL:** I cannot answer that question in advance of the data being reported.

### **National Folk Festival—waste management**

**MS PORTER:** Can the Minister for Urban Services please advise the Assembly of the

effectiveness of the National Folk Festival's efforts to reduce the amount of waste to landfill arising from the festival?

**MR HARGREAVES:** I am pleased to inform the Assembly that the National Folk Festival's organisers were very successful in achieving their target of a 75 per cent recycling rate. Of the 14.22 tonnes of waste generated at the five-day event, 6.9 tonnes of commingled recyclables—paper, bottles, et cetera—3.56 tonnes of compost and 784 kilograms of used cooking oil were recovered. As a result, there was a significant reduction in the amount of waste to landfill. That was a significant achievement and one that has sent a message to the organisers of the ACT's other major events.

It was the fourth year in a row that the National Folk Festival worked with the Department of Urban Services to reduce the amount of waste to landfill and better educate volunteers and participants about recycling. During the festival, there were bins in a number of locations throughout Exhibition Park clearly marked as being for compost or organic material for recycling, exactly the same as for ACT households, and other garbage. The printed festival program also prominently displayed information on how to use the recycling system and encouraged patrons to use it wisely.

The organisers of the National Folk Festival should be congratulated. It is great to see such a major event using innovative methods to promote recycling. The many thousands of people who attended the event also deserve recognition for so enthusiastically playing a role. The government intends to use the folk festival as a model for other major events in the ACT. A case study will be developed, along with a new policy on recycling at public events. Other major events could then follow the folk festival's lead.

Mr Speaker, this is a classic and fine example of how the community, event organisers and the government can work together to achieve the no waste strategy, to change the throwaway culture and to get people to think about recycling and reuse. I am pleased to be able to report that the target of 75 per cent for waste recycling was well and truly exceeded. It is very heartening to see that, if we provide the facility for people to throw their unwanted organic material into a receptacle provided for the purpose, they will actually do so. We did also see a very large uptake in the number of people throwing things such as paper cups and plastics into bins for recycling. It seems to me to be a fantastic pointer to what can be done.

As I have said, it was the fourth year in a row that these people have been doing so, which is fantastic, but to date we have not had empirical data that we can point to in order to show the success of it and therefore adopt yet another plank in our no waste strategy. I am please to say that, if we could achieve a recycling rate of 75 per cent at major events such as Summernats, the National Multicultural Festival and the Canberra Festival, we would be well on the way. I would like to record my thanks and the Assembly's congratulations to those people behind the system.

### **Disability services—insurance claims**

**MR STEFANIAK:** My question is to the Minister for Disability, Housing and Community Services. Minister, you said yesterday that Disability ACT had not refused to provide adequate details about potential claims for compensation to the insurance

authority. In a report in today's *Canberra Times*, Disability ACT is described as having "refused to notify the insurance authority of claims, citing privacy concerns".

Minister, I understand, however, that the insurance authority has received legal advice that invalidates these privacy concerns. Why did you claim yesterday that your department had not refused to provide adequate details about potential claims?

**MR HARGREAVES:** With respect to all notifications of reports, the department has notified well within the timeframes all details of incidents that would need to be used to evaluate the risk to the territory. The only piece of information that was withheld was the names of the people involved in the incidents. Everything else, the description of the person, any disability they might carry, the nature of the incident, all the rest of it was provided well within the timeframe.

There was concern that the issue of a person's name might in fact compromise their privacy. That was discussed and it was determined that the provision of that information to the insurance authority would not compromise people's privacy. Again, that information was provided to the insurance authority well inside the timeframe. My information is that it was provided a goodly couple of weeks ago. My answer to Mr Stefaniak's question today, subsequent to Mr Mulcahy's of yesterday, stands.

**MR STEFANIAK:** I ask a supplementary question. Minister, has the insurance authority had to decline to accept any potential claims that have been notified by Disability ACT? If so, why?

**MR HARGREAVES:** The issue is about reported incidents. These are reports. This is all about evaluating the risk to the territory in the event of liability and a claim. This is not about claims. The information provided to the insurance authority is about reports of incidents. It is not about the lodging of claims. In that respect, my department has more than adequately discharged its statutory obligations.

### **Crime—extradition**

**MR GENTLEMAN:** Mr Speaker, my question is to the Attorney-General. Minister, I understand that you have formally approached the commonwealth government to make a request of the People's Republic of China for the extradition of a Chinese national in relation to the investigation of an alleged murder in Canberra last year. Are you able to inform the Assembly of the outcome of that request?

**MR STANHOPE:** Mr Speaker, this is a very important question, particularly in the context of the Australian legal system and the rule of law.

Yes, I can confirm that I wrote to the commonwealth government, through the federal Minister for Justice and Customs, Senator Chris Ellison, asking him to make a request of the People's Republic of China for the extradition of a Chinese national who is wanted in the Australian Capital Territory in connection with an alleged murder. In making the request, I undertook that the ACT government would meet the costs associated with the extradition.

I should emphasise that the offence at this stage is an alleged offence and that the suspect retains the right under Australian law to be regarded as innocent until proven guilty. The alleged offence, however, is the most serious one, murder, and the approach to the commonwealth to request extradition was made on the principle that alleged offences against Australian law should be dealt with where they occur—in Australia.

I have yet to be officially advised by the commonwealth of its response to my request but, I have to say, I was surprised and bitterly disappointed last night to be advised by a representative of the *Canberra Times* and via inquiries made by my own office that the federal minister for justice does not plan to make a formal request to the People's Republic of China for the extradition of the national in question.

I read in this morning's media that Senator Ellison's office believes it would be inappropriate for Australia to seek the extradition as China does not extradite its nationals. Senator Ellison has today issued a press statement in which he says that, while he raised the matter in discussions with Chinese authorities, it would be futile—in his words—to make a formal extradition request and that the federal government would not do so.

I have to say that I do not accept that. While I acknowledge that there is no extradition treaty currently in force between China and Australia, I do not believe that this ought to be the end of the matter. Extraditions can and do take place in the absence of extradition treaties. Australia's own extradition act does not require a treaty to be in place. That act simply provides that the commonwealth Attorney-General can request or authorise a request for the surrender of a person from a country in relation to an offence against the law of Australia punishable by more than 12 months imprisonment.

Whether or not such a request is granted is, of course, a different issue. That is a decision for China to make. But the very least that Australia could do is lodge the formal request for extradition. It should pursue every means at its disposal to ensure that an alleged and exceptionally serious breach of Australian law is investigated and resolved here in Australia by Australian courts according to Australian rules of evidence and Australian notions of justice and punishment.

The Canberra community needs to have confidence that alleged crimes committed in the ACT will be investigated and resolved here in the ACT. The community needs to have confidence that those processes will occur unhindered and free of fear or favour. The people of the ACT are entitled to know, and to have a full explanation from the federal government, whether there are any reasons why Australia should not pursue this extradition request to the extent that it is legally able to do so. They have a right to know why the commonwealth government will not lodge a formal request with the People's Republic of China to extradite to the ACT a person wanted in connection with a brutal and aimless crime—the murder of a young woman in Belconnen. The victim of this alleged crime deserves no less.

I will conclude by saying that I will not let the matter simply rest. The federal minister for justice, in his press release of today, while describing the prospects of lodging a formal request as a futile exercise, adds by way of explanation that, because the matter involved two Chinese nationals, the valid interest that China had in pursuing the matter

comforted him that it was appropriate for the matter to be dealt with by Chinese authorities in China and that it was enough if we simply assisted them in their investigation of the crime committed in the ACT.

I reject that absolutely as a complete abrogation by the commonwealth of its responsibility to people living in this nation under the protection of the laws of our country. It simply is not acceptable for the commonwealth government to wash its hands of its responsibility and to assume that the valid interest is that of the Chinese. It is not.

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

## **Personal explanations**

**MR MULCAHY** (Molonglo): Mr Speaker, I claim to have been misrepresented and seek your leave to raise the matter under standing order 46 by way of a personal explanation.

**MR SPEAKER:** The member may proceed.

**MR MULCAHY:** During question time today, I believe the Chief Minister made the remark that I had said in this place that public servants were overpaid. I am aware that I have addressed, both here and elsewhere, the rate of pay increases collectively for the public sector in Canberra and I have reflected, one might say adversely, on the competence of the Minister for Industrial Relations in handling negotiations to secure productivity—

**MR SPEAKER:** This is a personal explanation?

**MR MULCAHY:** Yes, Mr Speaker. I have no recollection of uttering the statement that public servants are overpaid. I also raise matters under standing orders 51 and 55. Under standing order 51, the Chief Minister, again, reflected on a debate earlier this year when he made the remark, inaccurately, that I was the only member of the opposition who did not speak on a particular bill related to smoke-free places. In relation to standing order 55, he—in my view, in a most offensive fashion—reflected to the Assembly that I in some way advocated the sale of tobacco to children. This is something I have campaigned against vigorously and opposed throughout all my career appointments and I find the statement incredibly offensive and untrue. Mr Speaker, I seek your ruling on the matter of imputation and motive as regards standing order 55.

**MR SPEAKER:** In the first place, I am surprised that you were able to hear what the Chief Minister said, because in the cacophony that was going on I found it difficult. But, at face value, I take what you say as a correct interpretation of what has been said. As to whether it was offensive, these things are usually raised when they occur because, if one is offended, one is offended immediately. I think the personal explanation for which I have given you leave adequately addresses the issue. I remind members that, if they feel something is offensive, it ought to be raised immediately because—if I can use these words—it loses its sting the longer you leave it.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): If I might respond, Mr Speaker.

**MR SPEAKER:** You need leave to do so.

**MR STANHOPE:** I would be happy to respond and withdraw any imputation if I had leave to do so, Mr Speaker.

**MR SPEAKER:** The Chief Minister may proceed.

**MR STANHOPE:** I must say that I apologise. I understood that Mr Mulcahy had at times in his career worked for the tobacco industry. Mr Mulcahy appears to be assuring us that he does not work for the tobacco industry and never has and, as somebody who has never worked for the tobacco industry—

*Opposition members interjecting—*

**Mr Mulcahy:** On a point of order, Mr Speaker: this is another example of lowering the tone of this Assembly.

**MR SPEAKER:** Order! Mr Mulcahy, resume your seat. To the extent that there was an imputation made, it has been withdrawn. If you want to make another personal explanation, you will have to get leave from me to do so and you will have to stick to the personal explanation.

**Mr Mulcahy:** I seek leave, Mr Speaker.

**MR SPEAKER:** The member may proceed.

**Mr Mulcahy:** The matter I raised was the observation that there was a matter of me advocating the sale of tobacco to children. I did not deny my career appointments, but I have said most seriously that I find it offensive. I do not see much point in getting to the level of the Chief Minister. He is obviously getting rattled by a number of events, but I do find that offensive and I ask that it not be—

*Government members interjecting—*

**MR SPEAKER:** Order! Resume your seat.

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

**MR SPEAKER:** The member may proceed.

**MRS DUNNE:** In question time today, Mr Stanhope made the assertion that Mr Mulcahy was the only person on this side who did not speak in the smoking in public places debate. I did not speak in that debate, and that does not in any way make any imputation about my views about smoking.

**MR SPEAKER:** Thank you. Chief Minister.

**MR STANHOPE:** I apologise to Mrs Dunne. I had thought that Mr Mulcahy was the only person. The point that I was making, of course, was that my understanding was that Mr Mulcahy was the only person from the Liberal Party who did not speak, on the basis of the fact that he flogged tobacco, that he was a purveyor, a salesman, of tobacco.

**MR SPEAKER:** Order! Resume your seat, Chief Minister. Let us settle down a little bit.

**MR SESELJA (Molonglo):** Mr Speaker, I seek leave under standing order 46 to make a personal explanation.

**MR SPEAKER:** You may proceed. I am sure that you will make sure that it is a personal matter, too. You cannot go any further than the personal matter.

**MR SESELJA:** The Chief Minister implied that I also spoke on the smoking in public places bill and I did not, so I would just like to add that to the record.

## **Voluntary student unionism**

Debate resumed.

**DR FOSKEY (Molonglo) (3.20):** Mr Speaker, I shall resume where I left off before lunch. Student unions provide very important services to students. In Canberra, campus services include advocacy for students, including assistance to appeal against university decisions; representing students on important bodies, such as the university council, the academic board and advisory committees; providing services that directly benefit students, including orientation week; resources such as the student diaries and survival guides; guides to how to live in the city, where country students may find themselves; student magazines; second-hand bookshops; legal advice and services; welfare services and advocacy, including emergency loans and access to housing; and clubs and societies that provide facilities such as computers and meeting rooms.

The Senate committee found that there is no other way for a satisfactory level of service to be provided for students except through student organisations which, as they run at cost, depend on the fees paid by all students to run the range of services provided. Given the peculiar circumstances of running services on campus, it is highly unlikely that any contracted private provider or business could offer the range or quality of basic amenities that students currently enjoy.

As for the services that are peculiar to the needs of students, in most cases these could not be provided even by the university. Student organisations are what we like to call in simple economics a natural monopoly, the removal of which would result in a marked deterioration in student services and a considerable loss to university life and culture. There is some legitimate concern about the annual fees charged by student unions, which on some campuses are as high as \$500, but this has not yet been raised as an issue in the ACT. I understand that the annual fee for the ANU Students Association this year is around \$220 a student.



If the level of fees is an issue, that is a separate debate and not logically connected to voluntary unionism. A user-pays system is not suitable for the students, many of whom are living on a low income and already struggling with increasing HECS fees. It is also very important to have a democratic voice representing tertiary students. We have seen recently how effective student associations can be with lobbying against increased HECS fees. ACT student associations have been involved in that and have also been active in providing advocacy and support for international students.

I note here that a lot of the changes that the federal government has introduced into funding for universities have meant universities have an increased reliance on full-fee-paying international students. Many of those students need heaps of support. I have seen students wandering around campus with poor English skills and very little support. Without student associations, they will not get that support. It is not a logical corollary from forcing universities to raise their own funds. In fact, I think we need student associations more as a result of that. An attack on student associations also threatens jobs. The students association and union at the ANU employ around 140 people and at the University of Canberra they employ around another 120. Many of these jobs provide much-needed employment opportunities for students and young people undertaking vocational training.

I sum up with a quote from Senator Nettle, a Greens senator:

University education should be a well-rounded cultural experience which allows for sporting, artistic, political and social participation not simply attending lectures. This legislation is an attack on educational standards and a threat to the quality of Australian universities' reputation.

I note that the ANU, having its place among the world's best universities, did not get there through academic qualifications alone: It is partly there because of the services that it provides to its students and the support it gives students. The Greens will do whatever they can to support local student unions and other groups that oppose the proposed commonwealth legislation.

**MR SESELJA** (Molonglo) (3.26): I will be supporting Mrs Dunne's amendments and I commend her on her amendments, particularly as they relate to freedom of association. I am a supporter of freedom of association. I would not say that I am someone who generally supports the Human Rights Act, but freedom of association is a good thing and Ms Dunne's amendments go to that. It seems that freedom of association is all well and good for people like Mr Gentleman—until it relates to freedom not to be in a union, when, of course, it is thrown out the window.

I want to address three or four issues surrounding VSU up-front fees. The question for Mr Gentleman is: does he support up-front fees? The student union contribution, the general services fee, which is up to \$590 at some universities, represents a compulsory up-front fee. You cannot get your degree without paying your \$590 at the University of Sydney, or your \$420 at the University of Technology. Does Mr Gentleman support this up-front fee? I am sure, when he sums up, he will answer that for us. The Labor Party are constantly going on about how they do not support fees, yet they are holding on to this up-front fee. They are holding on to this compulsory tax on students.

I want to go into the use of some of these fees. I remember very well, and I was at university probably more recently than, I suggest, anyone else here—

**Ms MacDonald:** We can't help it that you're a baby!

**MR SESELJA:** I know; it's terrible. Anyway, having been at university pretty recently, I recall how some of these fees were spent. I was looking through some of the literature and I just want to highlight how some of these compulsory fees are spent. At one university, the university students association publication ran an article on how to get "high on a shoestring". That is fascinating, but I do not think that was a particularly good use of my money when I was paying the general services fee at the ANU.

Then there was free and cheap beer. Cheaper beer is not a bad thing. When I was at university, I did not mind partaking of a subsidised beverage from the uni bar. But I guess the question goes to the allocation of resources. Should the single mother who is studying externally at an Australian university have to subsidise other people's drinking? I would suggest no. I would suggest that that is not crucial and things like that need to be taken into account in considering this issue.

Another thing that has been brought to my attention is the publication from the ANU—I know Ms Porter would be shocked by it, because it is a feminist publication—called the "F word". I assume they are referring to feminism but in the actual subsidised publications they use the other "F" word quite a bit, and I am sure Ms Porter would be very shocked by that. I am sure she would not support student fees going to that sort of thing.

The other issue on student support is that we have heard how students want to keep the compulsory fees and I note there have been rallies. In fact, I think there is a rally on today—6 April, isn't it? There has been a media alert from the ANU Students Association, no doubt on university funds, about a demonstration at ANU Union Court. It says that students from ANU will be creating a crime scene on campus to highlight the devastating impact that the Howard government's antistudent agenda will have on student representation and services. I understand there was a similar rally held last week and it attracted about 50 people.

If that is a measure of the support for or the opposition to these moves by the Howard government, then I do not think there is a widespread concern amongst students. Of course, anyone who has been to one of these rallies at the ANU knows that most of the people there are not students. You get a rent-a-crowd from all sorts of places, or you get people that have hung around the campus for seven or eight years, so not particularly representative. But the numbers of themselves do tell a bit of a story.

The most concerning thing for me is the fact that we have people who do not use university services subsidising those who do, and one of the examples I have found at ANU is the food services. Some of them are okay—they are not particularly cheap and not particularly expensive but about average. But I found that the poorer students do not buy their lunch; they bring their own. The poorer student is paying his compulsory student union fees and subsidising those who choose to eat from the union or those who

drink at the bar. This is the crux of the issue: you are making people support things that they do not use.

The other thing they support, and Mr Gentleman would enjoy this—I think he stated before that he thought it was a good thing—is the marginal seats campaign run by the NUS of “Put Liberals last”. He takes some pleasure from that, and that is all wonderful, but should those who do not support that agenda be forced to subsidise that kind of activism? The answer is no. This is what it goes to. The Labor Party always talk about being about freedom of choice—except where unions are involved and then they want to make it compulsory. We have the Howard government looking to abolish compulsory up-front fees and the Labor Party saying, “No. Keep the compulsory up-front fees. We now like compulsory up-front fees.” There is a bit of a contradiction there in what we have been hearing from the Labor Party.

I support Mrs Dunne’s amendments. I am sure Mr Gentleman will have interesting things to say about them and I am sure he would support the parts that refer to the Human Rights Act and upholding the Human Rights Act. We look forward to hearing what he has to say.

**MS MacDONALD** (Brindabella) (3.33): I commend Mr Gentleman for bringing this motion forward and, of course, I oppose the amendments put forward by Mrs Dunne. Lots of interesting points have been made today, but not that many interesting or correct points from the opposite side, I must say. Those opposite seem to be making two arguments. The first is that the Labor Party is putting forward this motion in support of its union mates. The second argument is that we should support what the federal government is doing and go for the idea of a user-pays system within universities for students.

**Mrs Dunne:** No. Listen, Karin: we believe in freedom of association.

**MS MacDONALD:** That was certainly the argument being put forward by Mr Mulcahy, Mrs Dunne, even if it is not the one that is being put forward by you. The first argument put forward by the opposition was one that is commonly put up by opponents of student unions within universities; that is, they confuse the issue of student unions with industrial unions, and they are two very separate things. Many years ago I was on the union board at Sydney university, and I will have a few points to make about that later. I have an ongoing association with the University of Sydney Union. Because I was at Sydney university for five years and had paid five years worth of subscriptions, that entitled me to life membership of the University of Sydney Union, and I still get information from the union.

The opposition’s first claim is that the only reason we support student unions is that we are supporting our union mates. Student unions are very separate organisations from industrial unions, as you would know, Mr Speaker. The argument about freedom of association has been made by Mrs Dunne, and I think Mr Seselja argued that members of the Labor Party are all for freedom of association and do not believe in taxing people unless, of course, it has to do with student unions. But the issue is that these are not industrial unions; these are organisations that provide a service. They provide political representation, but that is a fairly small part in most universities.

The University of Sydney Union does not provide any political representation. That is done by the Students Representative Council. The sports unions are also involved in this. It varies from university to university as to how these representations, these different roles, are fulfilled. Some universities have a guild structure that incorporates all three different roles. The university that I was involved with, the University of Sydney, had the sports union. It also had the women's sports association when I was there, but they have now combined into one. It had the SRC, the Students Representative Council, which provided political representation.

In most cases, I did not agree with what most of the representatives on the SRC were saying, but they were duly elected representatives of the students. The students had every right to go and vote in those elections—vote them in, vote them out, do what they wanted to. The union also provided services such as catering outlets at the University of Sydney. These are just some of the many services that the University of Sydney Union provided. It provided a contact information service desk, which provided answers to questions such as how to get to such and such a room in the main quadrangle, because of course it was always impossible to find where you were going when you were a first-year student.

That is what these students needed and that is what we provided. We provided the ability to give this service. It was staffed by students but they were trained by people who worked for the union. They would answer questions like that. They would answer questions such as what was the time, how to get to such and such, what funding is available through the union for a club—to the point that I ended up being a contact volunteer because it was a good thing to do. I have to say that, unfortunately, one day a young man came to the contact student desk when I was on there and said, “I have a very good friend. She was raped and I don't think she's handling it well. Can you tell me how I can help her?”

Other services that the University of Sydney Union provides include clubs and societies funding, a welfare officer, subsidised childcare for students, activities and cultural affairs, a band competition and publications. When I was there they had the *Union Recorder*, which came out monthly, the *Daily Bull*, which came out on a daily basis, as the name would imply, and *Honi Soit*, which was an SRC publication. I should say that the editors of that were, and I am pretty sure still are, elected. We also provided on an annual basis a poetry/prose publication, which is still being put out and is a very good publication. We provided three buildings for catering services, a newsagency and all sorts of other facilities—and those things cost money.

Mr Mulcahy talked about the amount in dollars that the University of Sydney takes in. Certainly, the University of Sydney student organisations take a lot of money in from the students in terms of that up-front fee. But what the Liberal Party would do is have a user-pays basis. I know that is their ideological bent, but the fact is that these services would not be provided if it were done on a user-pays basis, because there are overheads in place for these organisations.

Ms Porter made the argument about student organisations being democratically accountable to students. I think that is a very good point. I might say that it is my recollection that one year the University of Sydney Students Representative Council—

I think that it was the last year they did so—elected as president of the SRC a member of the Liberal Party. In fact, he is now a minister in the federal government and his name is Joe Hockey. That was their right. That was their entitlement.

I do not agree with a lot of the things that Mr Joe Hockey comes out and says. He was there just before I was involved and I would not have agreed with him when he was the president. In fact, I know that one day Mr Joe Hockey turned up with a computer, which sat buzzing on Hilary's desk in the SRC. Nobody could ever work out how the damned thing worked because Mr Hockey had actually, as I understand it, got it off a mate and it came with no manual. The students, in their eminent wisdom, have not since re-elected another Liberal president of the Students Representative Council, which is interesting, I think.

I have talked about a number of the services that are provided and I have also talked about the fact that we should not confuse student unions with industrial unions. There is a difference. These organisations do provide very valuable services. Yes, there are going to be some people who get better value for money out of their student organisation than other students will. Mr Seselja talked about there being no cheap food and said that poor students brought their own lunch. When I was attending university, it may have been the case that a number of students would bring their lunch, but there were a number who were doing it tough and who looked forward to the union specials on a weekly basis for their food, making sure that they checked them out in the *Daily Bull*, as they were what they bought for their lunch each week.

I will finish on this point: I found it quite amusing and ironic that Dr Nelson said that you can get a sausage roll cheaper in Newtown than you can at the University of Sydney—and with a smile. I will just say that I do not know which bakery he is going to in Newtown, because I cannot get a smile anywhere in Newtown.

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (3.43): The government will not be supporting Mrs Dunne's amendments. The motion brought forward by Mr Gentleman today is excellent on a number of levels, one of which is that it shows those opposite for the extremists on the right that they are. I have sat through the entire debate and listened to the drivel that has come out of all of that side's speeches. I think they think they are being quite clever in trying to use freedom of association as a way of discrediting the ALP's support for compulsory student services fees. One of the issues here is that, unfortunately, student unions have adopted the name "union". In current times, if they were known as student service organisations or simply student organisations, they would not be under this attack by the federal government that we have seen.

It seems from what has been raised here that the issue that members of the opposition do not like about student unions is the level of political activity. My understanding is that it is an extremely small part of what student organisations do and I actually think Dr Foskey's speech was probably one of the best I have heard in this place. Here is someone who has studied and worked at a university and who actually understands what is going on, and she can see the impact that this decision is going to have. I thought the comments she made about it were extremely enlightening, because they came from someone who has had an experience of university life that many of us have not had.

The fact is that the services provided by student unions are extremely broad ranging and essential services on campus. Other speakers have gone through them: welfare, childcare services, helping subsidise the cost of textbooks, employment services, free legal advice, sports facilities such as gym membership, and the University Games. The head of the University Games has written to me and other education ministers, extremely concerned about this legislation and the impact it is going to have on the University Games. Basically, it is thought that it will be the end of the University Games. The services also include support for equity and antidiscrimination services; support for student clubs and societies, cultural and religious groups; entertainment and recreation; and funding for international student support. International students have been lobbying extensively against this legislation as well. As Dr Foskey pointed out, absolutely everybody, apart from the Liberal Party, is opposed to this legislation.

Mr Mulcahy mentioned that everything was all right in Western Australia; that VSU had been introduced in Western Australia and everything was all right. Obviously, Mr Mulcahy has not done his homework; he has not actually had a look at what has gone on in those universities. Everything is not okay in those universities. Since the introduction of voluntary student unionism in Western Australian universities, a number of programs have been cut. There is no environment department, no women's department and no student emergency loans. This is across Curtin University, Edith Cowan University, Murdoch University and the University of Western Australia. Subsidised catering on campus has gone from all of the campuses. Sexual assault referral services have gone from the campuses. It is simply incorrect for the opposition to stand up here and say everything is hunky-dory in Western Australia, because it is not. These services do not exist any more.

What has been missing from the points made by the opposition in debate today is how these services are going to be provided at universities here. Let us leave the rest of Australia aside for a moment. Who is going to provide the subsidised childcare at the University of Canberra? Who will provide the health care and counselling services that are funded largely from the GSF at the University of Canberra? Who will provide the free legal advice that the ANU currently offers? And who will provide the counselling services at ANU that are done by the welfare officer? These are the questions that will arise once this legislation is passed, and I have no doubt it is going to be passed.

The opposition fail to acknowledge there are going to be significant impacts on our universities, on our students here. That is the issue that we should be concerned about, rather than just accepting that it is a good thing because John Howard and Dr Nelson say it is a good thing, when every other person involved in higher education is saying, "Hang on a minute; this will have a massive impact on our universities." The opposition do not listen to the vice-chancellors who run the universities. They do not even listen to the new National Party senator, Barnaby Joyce, who is on the record publicly as having concerns, particularly around universities in rural areas. Mr Joyce said: "You need some sort of compulsory fee to sustain student infrastructure—like sporting infrastructure. If you make it completely optional, then no-one will pay it."

The opposition run the line about freedom of association. If you support freedom of association, we could have freedom of association everywhere. Take our taxation dollar: our education system is funded by people who do not have children in schools. Our

health care system is funded by people who may never get sick. We accept this situation. It is not even an acceptance that this is the way things have to be; there is a level of understanding that, if we did not accept this situation, we would never have these services.

The argument that students might not use something and therefore they should not have to pay for it is simply not acknowledging the fact that all of us pay a bit so that everyone can have access to things they need even though we might never need them. As I was saying before, I do not care much that my tax dollar might go into prostate cancer research, even though I am never going to need that research. There is a level of understanding that we all contribute in our community to ensure that everyone has access to the services that they might need even if we ourselves might not need them.

We have here a situation where universities, and university life as we know it, are going to change significantly, and for the worse. The opposition can say that students are not worried about it now so that means it is all right. But there are a number of students, many, across the country who are very worried about it. Also, it is our job, as people responsible for education and for funding that goes into education, to look down the track a bit. Even though every student might not be outraged at the present time, in two years someone might need a service and it will no longer be there. There is a responsibility on us to ensure that that does not happen, that we protect these services. It is simply not fair to say that, because there is no rioting in the streets, this is all right and students actually want this delivered.

We are very happy to support Mr Gentleman's motion and we will not be supporting Mrs Dunne's amendments. We as a government will, as Dr Foskey said, be looking at ways to work with student organisations, student unions, to support their work and to ensure that essential services are not reduced on the university campuses. To the extent that the ACT government can protect our students, we will work to do that.

Question put:

That **Mrs Dunne's** amendments be agreed to.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne		Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Mr Quinlan
Mr Pratt		Ms Gallagher	Mr Stanhope
Mr Seselja		Mr Gentleman	

Question so resolved in the negative.

Amendments negatived.

**MR GENTLEMAN** (Brindabella) (3.56), in reply: I thank members for their contribution to the debate today. As I mentioned when speaking earlier, I recognise that the issue of choice is one predictably to arise in this debate. I think it is important to

reaffirm, however, that when services, representation and the facilities for involvement are axed, there will be no choice. Choice requires having options—and that is precisely what universal student unionism provides to students on Australian campuses and, importantly, on campuses here in the ACT.

Universal student unionism enables students to make choices affecting their engagement with their own student community. Anti student union legislation, as the Western Australian experience shows, is about denying this choice. It is about silencing the student voice, so frequently the bane of conservative governments yet so legitimate a voice. This is one that must be heard. As for Mr Mulcahy's statement that I should talk to the students to get their views, I am happy to advise him that I do, regularly, and I am also very happy to advise the Assembly that it was the ACT students that helped me to construct this motion and that they support it wholeheartedly.

In relation to the opposition's continued comments in this debate on human rights, we know their views on human rights. Mr Mulcahy, I understand, said yesterday, "A lot of revenue has been wasted on political self-indulgence such as human rights implementation." Wasted—that is how they feel about human rights.

My motion asks members of the Assembly to hear the voice of students who study, live and work in the ACT. Support this motion and, in doing so, recognise the contribution of student organisations to the Canberra community. The principle of universal student unionism is a noble one and I urge members to support it and to support the motion I have moved today.

Motion agreed to.

## **Policing**

**MR PRATT** (Brindabella) (3.59): I move:

That this Assembly:

(1) notes:

- (a) the community's growing concern about ACT Policing and a commensurate loss of confidence in the Government to protect the community;
- (b) that when the community is encouraged by the police to report crime "in progress" the community is let down by a failure by police to respond on time and/or follow up effectively due to a lack of Government support and resources;
- (c) the community's concern that there is a poor visible police presence in the community resulting in criminal and offensive behaviour occurring, often in broad daylight, with impunity; and
- (d) the police's lack of ability and confidence to tackle a number of complex situations because they are poorly resourced and because the ACT Government lacks the political will to be tough on crime; and

(2) calls on the Government to:



- (a) reveal to the Assembly and the community the true strength of the ACT Police Force;
- (b) increase front line policing to provide for an effective community policing presence, as Mr Hargreaves promised to do in 2001; and
- (c) ensure that Gungahlin Police Station, and indeed all police stations, are manned 24 hours a day, seven days a week.

I rise today to express deep concern about the level, capability and strength of policing in the ACT and certain criminal activity and disruption in the community that appear not to be being addressed by this government. Mr Speaker, community standards are declining across the country and the ACT is no exception. The ACT is merely a small part of a broader landscape.

There have been successes round the country in reducing various categories of crime and in rebuilding community confidence. However, they have been patchy. I believe that the ACT has also experienced these trends. There have been significant crime reductions through good task force policing, but concurrent increases in less exotic but seriously disruptive and safety-threatening crime. The trend across the country appears to be towards more complex crime and excessively violent behaviour, flying in the face of general reductions in the crime patterns routinely reported by the ABS, in annual reports and in other important community indicators.

I think that most of us in the ACT feel that it is safer here than in most other cities, capital and regional. We all say that this is the place to raise kids—not Sydney or Melbourne, indeed, not even large coastal towns. We are reported to have one of the best police forces in the country. I certainly have confidence in it. Apparently, it is a police force free of corruption, well trained, well travelled and one which can operate in geographically the least prohibitive policing areas of operation in Australia. The ABS statistics, the productivity reports and ACT Policing's 2003-04 annual report tend to tell a fairly positive story about the trends I have mentioned, but that is not the complete picture.

However, despite the positive messages coming out of a range of reports, the community will not rest on its laurels and the community expects the same of the government and its police force. The community is wary of the deterioration of community standards across Australian society, the assault on our sensibilities and the growing pressures on our children and teenagers, and the community knows that the ACT is not immune to the national rot. Furthermore, the community is experiencing a level of public disorder, hooliganism, threats to property and personal safety, and general disrespect that is far from acceptable.

The community concern and loss of confidence about that flies in the face of the improving or stable statistics that I have referred to. The police annual report, one of the more honest and meaningful annual reports I have seen for 2003-04, demonstrates this level of concern. Amongst some good reports, we were advised that 68.6 per cent of the people of the ACT were concerned about motor vehicle theft, 1.6 per cent above the national average. That figure has come down, and come down a long way, but it had to because the ACT was the car theft capital of Australia for quite some time. The figure for

the number of people in the ACT concerned with housebreaking is 78.2 per cent, 7.7 per cent above the national average. In total, according to the 2003-04 report, 44,564 criminal offences were recorded in the ACT in 2003-04, more than twice that of the first half of the 1990s. There has been a significant increase in crime in the ACT, per capita, in the last 10 years.

The ACT community in general, community lobby groups, and former and serving police are expressing a range of concerns with increasing frequency, commensurate with a clear decline in police capabilities. This government is allowing the gradual rundown of our police force to continue. While generally doing a good job, the police force simply cannot keep pace with all the declining trends in community behaviour affecting community safety.

I intend to illustrate this situation by giving examples of a range of criminal incidents in general, including the degree and frequency of lower level crime—crime that is of a lower level but which is still quite dangerous and quite disruptive to the community. Let us look at a number of those. In late 2004, there was a range of concerns about illegal fireworks and vandalism, such as the blowing up of letterboxes in Wanniasa, and police not turning up to investigate. To quote a resident, “Powerful explosives are used by kids in this area every weekend and the police seem totally impotent in dealing with it.”

In February 2005, shop vandalism and property damage: a second-hand shop in Braddon advised customers in an advertisement about new stock that the shop window had been boarded up after vandalism. There was, in November 2004, at Black Mountain Peninsula, lewd activities in a public place. The ACT government did not show any willingness to ensure a police follow-up on these sorts of reports and instead criticised the people who had lodged the complaints.

In August 2004, break-ins not attended to and fingerprints not taken: Tuggeranong residents reported to the police a car break-in and damage to stereo equipment, but the police did follow-up in investigating this issue. A similar response by police, or lack of it, was received for a series of break-ins at Gungahlin recently when police failed to attend or follow up at the crime scene. Road rage: police unable to follow up or unwilling to follow up reports by a woman that she was tailed from Gungahlin to Belconnen because they simply could not do anything about it as there were no independent witnesses.

We have had a number of instances in the last year of bullying in schools and at bus interchanges. We have received reports from families of their kids suffering bullying and low-level violence at bus interchanges and never seeing a policeman in these places. There were break-ins at the Telstra building in Dickson and other commercial premises there. Again, no fingerprints were taken. We have had articles in the papers in recent times in which hooners have admitted that they can engage in illegal street racing with impunity; they do not fear recrimination. Since November 2004, burnouts have been an ongoing problem, with a litany of complaints coming from residents in Norriss and Proctor streets, Chisholm, in Learmonth Drive, Kambah, in Knoke Avenue, Gordon, in Woden and generally throughout Amaroo and Gungahlin, to mention just a few.

Graffiti and other property damage is another example. Who is the guy “Axiom” who has graffitied Adelaide Avenue and other arterial roads over a distance of 15 kilometres

and has been doing it for two years without anybody catching him? There have been concerns about the lack of police response to phone calls at Tuggeranong police station. We know of the concerns about Gungahlin station, which is not manned beyond 10.00 pm.

A letter to residents concerning Operation Halite recently said that “any information about crimes, regardless of how trivial, should be reported to police as it could provide the vital link”. Today, Mr Hargreaves put out a press release again urging the community to report burnout offences, and so we should. But residents are disturbed that, despite repeated phone calls to police to provide details, these reports are not followed up. If they are, the police say they cannot prove who was the driver of the vehicle. The police do not have the resources to follow up on all these reports.

The crux of the community concern goes back to there being only a very low level of police presence. Residents rarely see them around their suburbs, in their group centres and shopping centres or on the roads. Shopkeepers and business owners do not see our police force. They cannot engage with the police to provide the sorts of regular and valuable intelligence that these people are well known for in terms of preventive policing and the provision and collation of community-based intelligence.

The minister tells me that we have an intelligence-based and led policing strategy. That is fine, but there are two levels of intelligence: that which we receive from national and other sources and, the most important intelligence, that which we receive from the coalface, from community familiarity, from a police presence whereby our police confidently know the community and the community confidently knows the police. In recent weeks I have had a lot of feedback about graffiti, vandalism and break-ins around the Mawson, Chisholm and Erindale shopping centres, and they go on and on.

We do not entirely blame the police. I am disappointed with that litany of incidents which paints a lack of response and follow-up. I am disappointed with that and I am critical of the police about that; I certainly am. But my major criticism is aimed at this government for not resourcing and for not supporting our police. If this government does not support and resource the police, of course their performance will suffer. When the performance of the police suffers, they will attract criticism, and some of that criticism will be unfair. But if we are going to put confidence back into our community that our police are able to take care of this lower level of criminality, which is not necessarily reflected in ABS reports and annual reports, we need to see our police resourced and our police need to be confident that they are going to be resourced.

Mr Hargreaves, in his first ministerial statement for the current Assembly, made some bold assertions about how the ACT government would be managing the police portfolio and dealing with crime in the ACT. He said, “Refining how crime may be best addressed in the future is a constant and important public policy debate.” Crime might be best addressed by providing enough police resources to start with, and that does not need to be debated. Secondly, the minister said, “The government is committed to providing quality policing to the ACT.” Mr Speaker, ensuring a quality police force also requires quantity to ensure that police are adequately resourced to provide a quality service.

Thirdly, he said, “Customer service and professionalism are key elements in this strategy, and are fundamental to enhancing community contact and cooperation.” Again,

that cannot happen if police do not have the resources to follow up always adequately reported incidents. It cannot happen if, when they arrive at the scene of a crime or an emerging crime, perhaps a fracas in the making, the one or two police in a car do not feel that they are going to be followed up. They are not going to have the confidence to deal with those sorts of complex issues. That is the problem we have. The minister and this government are not resourcing our police to give them the depth and the backup so that they grow that confidence to deal with these incidents when they arrive on site after the community has asked them to do so.

The ACT property crime reductions strategy 2004-07, another wonderful, glossy, spin-doctored document, talks about putting a particular focus on targeting repeat offenders. How can the police catch repeat offenders when they fail to fingerprint crime scenes—due, I imagine, to a lack of resources—which in many cases would identify repeat offenders?

The strategy goes on to say that new initiatives include “targeting young people who are on the cusp of entering the criminal justice system”. How can they do that if they do not attend to things such as serious reports of violent bullying, which are often a precursor to other serious crimes later in life, or if they do not crack down on burnouts and hooligan driving? I notice that, according to the statistics in the reports we have, there has finally been a crackdown on burnouts in the last four to six weeks, but it has taken a long time. Will that be maintained?

The comment that the minister has made about targeting young offenders is sensible, but I fear that it is empty rhetoric. This is the very nub of this motion that I have put down here today. It is the lower level crime, though still personally dangerous and life-threatening crime, that is not being responded to and not followed up, that is the problem. The minister and his police are not intervening to reduce this level of crime. Consequently, young offenders operate with impunity and are confidently graduating to more serious crime.

I will raise a few issues later about the more serious levels of crime. But at this point, I put it to this Assembly that we have a serious issue to address here. Yes, we have some policing statistics that show useful reductions in some levels of serious crime, but we know that the responses are not occurring for a whole range of activities. We know too from some of the statistics that the community is not as confident as it should be and that, because we are not getting a clear debate on the numbers and the strength of our police, it is highly likely that our police force, while trying to do a good job, is simply overstretched and unable to provide the safety that the community deserves.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.14): Before addressing some other issues, I think it is important that I address some of the things that Mr Pratt said. Firstly, in the middle of what he said there was a throwaway line that either the government or the police actually criticised people making complaints. Let me reject that out of hand. It was an absolute nonsense statement and, if anything, it detracted from some of the things that Mr Pratt was saying. I congratulate Mr Pratt for raising the issue. I know that he has a passionate concern about it. But I think that he was wrong, and dramatically so, in proposing that argument. I do not want

the Assembly to believe that I am questioning his motives. I just believe that he was actually wrong.

Mr Pratt would propose that we have an incredible increase in policing numbers. I said somewhat frivolously recently that he would like to see each of us have our own police officer. I do not know how far out that would be but, in that sense, he is actually challenging the notion of intelligence-led policing. I have to say that I am glad that that is the process that we are employing because it is starting to bear fruit. Indeed, Mr Speaker, the notion that you could fix up crime by adding extra police officers to the beat was debunked by Dr Wedderburn in a book published in December last year. This man is a noted expert in criminology and he has said that that is not the way to go. The way to go, in fact, is to have things such as intelligence-led policing and attacks on recidivism.

This government has made a very large attack on recidivism. One program that comes to mind is the turnaround program for young motor vehicle thieves. It has had an incredible impact and some people have had vehicles restored to them. I reject the notion that police performance suffers when extra resources are not given. There is no cause and effect; there is no nexus here. We really should be thinking about the way in which policing is delivered and whether that is efficacious, not how many people are out there on the streets.

The ACT is currently reaping the rewards of a very efficient and effective police service which has continued to maintain pressure on the crime rates, particularly in terms of sustained reductions in property-related crime. Mr Pratt quite happily quotes the 2003-04 figures, which are clearly way out of date, and then puts in one or two small figures of recent times that happen to suit his purpose. He has not acknowledged, although it has been in the public arena for some time, that burglary offences are down by 21.1 per cent on the same period last year.

Motor vehicle theft has been reduced by a very substantial figure, 38.8 per cent, over the same period—nearly 40 per cent. On average there have been 38 stolen motor vehicle offences each week since the start of Operation Halite's third phase. These figures are below the 2003-04 weekly averages. During 2003-04 there was an average of 44 motor vehicle theft offences per week. Did we see an acknowledgment of that drop in the crime rate? No. Did we see an acknowledgment of the drop in burglary offences? No. Clearly, ACT Policing is not failing our community.

Policing's operations monitoring and intelligence support, territory investigation group and crime prevention team have worked very closely together to achieve the outcomes and successes of Halite. Operation Halite is both proactive and intelligence-led. It also incorporates crime prevention initiatives which include information dissemination, the use of drug diversion programs and support link referrals, targeting specific areas, the delivery of fridge magnets to residents, suburban letterbox drops, particularly at government residences, providing advice and requesting assistance and the placement of a Crime Stoppers bus at suburban shopping centres and government high-density residential areas. That does not sound to me as though there is a lack of visibility. Also, there are coordinated operations with other ACT Policing teams.

Halite has also recognised the need for a multiagency approach and has developed the partnership crime group. The PCG, coordinated by Operation Halite, consists of

representatives of various external agencies, including the Department of Urban Services, the Department of Disability, Housing and Community Services, the NRMA, ACTION, ActewAGL, the ACT and regional Chamber of Commerce and Industry, Canberra Cabs, Australian Security Industry Association Ltd, the ACT Office of Fair Trading and ACT Corrective Services. It does not sound to me as though those agencies believe that we are not providing effective services.

The PCG meets on a regular basis in a proactive partnership approach to foster interagency cooperation and to address community capacity building in the area of crime prevention and urban design, the coordination of relevant agency resources, parallel with Halite operational activities, the use of relevant compliance authorities, and the sharing of information within legislative limits.

ACT Policing's results are indicative not only of effective policing, but also of the government's emphasis on whole-of-government approaches to addressing crime in our community. We cannot vest all responsibility for crime prevention and crime reduction with our police service. ACT Policing's property crime reduction strategy, which focuses on the efforts of a range of agencies, including urban services, education and training, youth justice and ACT Corrections, together with the Department of Justice and Community Services, has addressed a number of overarching social issues to combat property crime at the source.

In the context of maximising the service delivered to the ACT community, ACT Policing proactively monitors and manages staffing numbers on a daily basis, taking into account the obvious fluctuations that will occur with attrition, retirements, transfers and resignations, together with the flow of base level recruitment and lateral intakes from other police jurisdictions throughout the year. Work force planning is an intricate and dynamic task in the policing environment and the government is well informed on a quarterly basis and, when required, a more regular basis about the status of policing numbers in the territory.

Current advice from ACT Policing indicates that the total funded strength equates to 787 full-time equivalents. Based on previously approved budget measures, this figure will increase to 796 FTE for the financial year 2005-06. As at 31 December 2004, the actual strength of the ACT community policing service provision sat at 808 FTE. This figure was made up of 598 sworn and 210 unsworn FTE. ACT Policing's actual strength was temporarily increased at that time to address the increased operational demands of the period.

Contrary to Mr Pratt's view that the government does not support policing in the territory, total policing numbers have risen by 33 FTE since the Liberal Party last held office. You can check that by looking at the report on government services for 2000-01 versus 2003-04. In addition, and more importantly, this government is committed to a comprehensive review of policing services. The government is well aware of the demand for increased community policing resources in the territory.

I can assure you that the ACT government is committed to the delivery of an appropriate level of policing, to deliver effective law enforcement, crime detection and prevention. It is not besotted with numbers. Dr Wedderburn was right. We need to concentrate on intelligence-led policing and we need to target particular crime initiatives. You can see

that the home invasions, the burglaries, the assaults and the armed robberies—all those sorts of things—are on a downward trend, a significant downward trend. That shows the efficacy of that particular approach.

The previous Minister for Police and Emergency Services, Bill Wood, and the commissioner for the AFP announced that a joint study into policing in the ACT would be conducted to inform discussions relating to the renegotiation of the policing arrangement for the ACT which is due to expire in 2005. The joint study of policing in the ACT commenced in August 2004 and was scheduled for completion in early 2005. The study is currently in its final drafting stages. In announcing the joint study, both Minister Wood and Commissioner Keelty made it clear that the policing arrangement for the territory was seen as highly successful and that both parties looked forward to a long-term relationship.

Mr Pratt has raised concerns about an apparent lack of a visible police presence in the territory. Police visibility is an issue that attracts considerable attention from the community and the media from time to time across all jurisdictions and is an issue that is sometimes ill informed. It is important to assess visibility in terms of the outcomes we wish our police to achieve on our behalf. In my view, and consistent with the purchase agreement currently in place between the government and the Chief Police Officer, these outcomes are principally about police responsiveness, managing crime levels, reducing fear of crime, improving road safety and providing professional support to the judicial process.

In achieving these outcomes, ACT Policing has for some time utilised an intelligence-led policing approach that is complemented by proactive patrolling during peak periods. The city beat team, for example, has operated since December 1988. In December 1997, a new shopfront was leased in the Garema Centre building, following the refurbishment of the plaza area. The newer location affords better surveillance of Garema Place and provides a user-friendly appearance to the public, expanded interview facilities and improved staff amenities.

The prime focus of the beat teams is to provide a police presence in the city's retail and entertainment precinct. This is delivered more effectively through a physical and mobile police presence than via a static shopfront where intelligence, community liaison and law enforcement activities rely on the community consciously making an effort to enter the building. The city beat team undertakes both foot and vehicle patrols in and around the city centre. It patrols the Canberra City central business district and has two sergeants and 12 constables divided into two teams. All report to the officer in charge of the city station.

The operating hours of the beat team are designed to deliver a maximum police presence during the times of most crime. An analysis of those times when the city experiences peak crime was undertaken and resulted in structuring of the shifts to ensure capacity at those times. The south beat team was instituted recently to tackle antisocial behaviour issues experienced in the retail and entertainment precincts in the south of Canberra, including Manuka and Kingston. The south beat team is achieving similar outcomes to its city counter part.

Contrary to Mr Pratt's view that poor police visibility is leading to increased rates of criminal and offensive behaviour, I am pleased to offer a number of examples of high-profile public events that have highlighted the quality of our police service and of the administrative arrangements in place to support the police in maintaining order. Between 6 and 8 January 2005, for example, the 18th Summernats car festival was held in Exhibition Park in Canberra. Over the four days, the event attracted crowds in excess of 115,000 people and drew a significant number of tourists into the territory.

ACT Policing members dedicated to Summernats duty conducted high-visibility patrols around the EPIC venue throughout the event. Police foot patrols were conducted within the EPIC venue to monitor crowd behaviour and to act as a deterrent to antisocial behaviour. Random breath testing was carried out inside the venue and in the surrounding areas. In excess of 700 tests were conducted, with seven positive tests being recorded outside the venue and one positive test being recorded inside the venue. The policing of the 2005 Summernats event was carried out in accordance with an operational order prepared by ACT Policing. Planning for the 2006 event is under way and command appointments have been scheduled in preparation for next year's event.

The summer safe campaign, which is currently targeting antisocial behaviour and liquor licensing issues in the south of Canberra, has been involved in various incidents and patrols over the past two weekends. The team has attended 118 incidents, mainly in relation to crime targeting, but also to support general duties patrols at disturbances, noisy parties and traffic incidents. Police presence over the weekend and repeat visits to licensed premises throughout Friday and Saturday night result in a reduction in alcohol-related antisocial behaviour and send a clear message that police will continue to target the service of alcohol to intoxicated persons.

Most recently, police were integrally involved in the successful visit of the Ulysses motorcycle club members to the territory. The proactive role taken by police in planning for and supporting this event proved highly successful, with a rally on Saturday, 12 March taking place without incident. There were about 5,000 of those motorcycle people and—guess what?—there was not one Rebel.

In summary, Mr Speaker, this government remains committed to improving the delivery of front line policing services to the residents of the ACT. Policing numbers have increased by 33 FTE since October 2001. In addition, the government is awaiting the outcome of the comprehensive joint study into ACT Policing so that fully informed decisions can be taken on the future of policing services in the territory. I fully support and commend the efforts of ACT Policing in its continued achieving of very solid outcomes and signal that the government will not be supporting one word of Mr Pratt's motion.

**MR STEFANIAK** (Ginninderra) (4.29): Mr Speaker, I think it is rather sad that Mr Pratt has had to move a motion such as this in the Assembly. The fundamental duty, the primary duty, of any government is to ensure the security of its citizens. At the federal level, that means having a strong defence force. At a local level, it means having a strong police force that is able to guarantee the protection and security of its people. Mr Pratt made a number of very important points. I think that all the points made in paragraphs (a) to (d) of the motion are, rather sadly, spot on.



There is growing concern and a commensurate loss of confidence in the government to protect the community and there is a real concern in the community that, if crime is reported, nothing actually happens; it is difficult for the police to get there. All of us, I think, get phone calls on a regular basis from frustrated citizens who call police when there is trouble and find that the police simply cannot come or are unable to come.

Only recently, a couple of days ago, I got a phone call in relation to a weekend incident in my electorate. It was said that for 2½ hours on Saturday afternoon, between 2.30 and 5.00 pm, a ute was parked at the corner of Tillyard Drive and Joyner Crescent in Flynn and three young blokes, probably late teens or early 20s, were drinking beer in the back of the ute. Maybe that would not be such huge drama in itself, but they were carrying on: they were dropping their pants, throwing brownies and making a general nuisance of themselves.

A neighbour in the area rang the police and was told that something would be done. It was not and he rang back. He had his young grandchildren there and, fortunately, he managed to keep them away. Apparently the occupants of a household nearby took their kids and left because of the carryings on of these guys. One fellow rang up and gave the police a registration number. The police said that they could not get anyone there because the police patrol car—note, “car”; one car for Belconnen, which I understand includes Gungahlin as well a lot of the time—had a higher priority. Finally, after 2½ hours, these young blokes went off.

The police did ring back that night and tell my constituent that they would chase it up and have a talk to the driver, but that was a little bit late. If that had happened 10, 15 or 20 years ago there would have been a police car there very quickly and the young blokes would have been spoken to—not necessarily arrested for something like that; just told to pull their head in, move on or whatever—and potentially dangerous situations would have been avoided. Who knows how much over the limit the driver of that vehicle might have been when he finally left 2½ hours later? That is something that simply would not have been allowed to happen probably even five years ago. Someone would not have been allowed to be there for 2½ hours annoying the neighbourhood to that extent.

Another incident I recall was the one recently in Florey when a couple of people riding motorbikes knocked down an elderly person. A citizen managed to get a good description of the rider of one of the bikes and a couple of weeks later saw that person doing wheelies, burnouts or whatever you do on motorbikes in another part of Belconnen. That person rang the police and someone finally came 1½ hours later, but the rider had well and truly gone by then. There was no registration on the bike, of course; it was unregistered.

Even more worrying crime incidents, ones further up the scale, have been reported to my office. That is being allowed to happen simply because the police do not have the resources to get out there and do the job they used to do. Having one car for an area the size of Belconnen, especially if Gungahlin is included at that time as well, is simply not enough. We just would not have seen that previously. Even 10 years ago there were at least two cars which did Belconnen and which did Tuggeranong.

Another thing I hear of quite frequently from police is that there is a huge burnout factor. There is the paperwork the police have to do after they have finished their shift. There was a time when police did not mind coming in and doing a bit of overtime; it was good stuff. They even quite liked going to court to do overtime. The situation now is very different. I am told by officers that there is so much burnout that it is often very difficult for them to get police to come in and do additional shifts when they are needed, which puts additional strain on our police force.

I have had a lot to do with our police force. I was a crown prosecutor for many years and I dealt regularly with the police force. I have high regard for the professionalism of the men and women in our police force. Lots of things have changed. It is a younger police force. A lot of the experience has left. That is all the more reason, I think, for proper resourcing to occur to assist the members of our police force to do their job properly. It greatly concerns me to hear about things such as the Belconnen station being closed for about 3½ hours because the police there needed to go out to attend to an offence. That is simply just not good enough. The government is really abrogating its responsibility to the community when it allows that.

The government, in opposition, promised that it would keep us up to the national average. It criticised the previous government. It might have been right in criticising some things then, although I cannot remember the situation being this bad under any previous government, Labor or Liberal. It promised to have the level of police at the national average. The association tells us we are about 124 short of what we should be. It might be more. Perhaps Mr Pratt can give us the latest figures.

The police presence in Queanbeyan and along the roads of New South Wales that I travel quite frequently when going down to the South Coast—the far South Coast in my case—is very visible indeed. I have travelled on the roads of the ACT for many years. In the past, there was a not insignificant police presence. Also, there was a not insignificant police presence in some of the more popular nightspots. I do not see quite the same presence in those nightspots these days and I certainly do not see the same presence on the roads.

I am a big fan of targeting certain crime areas and of some of the great teams that the police get together. That is fine. Maybe they are doing a bit of that on the roads. The speed vans that we all seem to hate have taken some of the load off police, but still there is a distinct lack of a visible presence. I do get very annoyed on hearing lots of complaints from constituents that they report things to the police, sometimes call the police about a dangerous problem, and the police simply are unable to attend because of a lack of resourcing. I think that that is a very sad situation and the government has a fundamental duty to attend to that.

Mr Pratt makes a very telling point in paragraph (d) when he asks us to note the lack of ability and confidence of the police to tackle a number of complex situations because they are poorly resourced and because the ACT government lacks the political will to be tough on crime. I have spoken, Mr Pratt has spoken and, no doubt, other speakers will speak about the lack of confidence of the police because of the poor resourcing and the fact that they do not have the backup which is crucially important in policing. If you are in a dangerous situation and you know that there are very few people back at the station

who can assist you, there is obviously a natural tendency not to do certain things, not to address certain problems that would and should normally be addressed. That is a very bad situation, but that is what a lack of resourcing sometimes does to you.

It is essential, especially in a most dangerous job like policing, to have that backup, to have the knowledge that, if you get into trouble and you are there doing your duty to protect the community, you will have backup coming to assist you if you get into trouble. I have handled a number of cases in the past involving police having had that backup. Yes, police officers have had their heads punched in on a couple of occasions while waiting for the backup, but at least it has come. But you will not have that confidence if you know the backup simply is not there because the resources are not there, the people are not there. What are you going to do? It is a quite horrible situation in which to put police. Indeed, that is a concern that has been expressed to me as well.

This government does not help, and probably never has helped, in terms of giving police the relevant powers they need. Going right back to the days of the First Assembly, members of the Labor Party vehemently opposed sensible measures such as police move-on powers and sensible laws such as banning drinking around bus interchanges and the like. Prior to taking government, they opposed some very important revisions to the Crimes Act to make the job of the police a lot easier, such as providing for reasonable suspicion rather than reasonable belief, to bring us into line with other states. Luckily, that Assembly had the sense to pass that provision.

To the government's credit, it has not changed any of those recent laws. But it opposed them to start with, which was indicative, I think, of the government's funny attitude. One questions just how much confidence members of the government actually have in the police. They have a funny attitude in terms of law and order. They seem to be suspicious of police. That still comes through to an extent, which concerns me.

I think that it should be painfully obvious to the government that the police force is a fine bunch of men and women fully deserving of our support who need greater resources in this modern age. Canberra is no longer a small town, having some 325,000 people. It is a big city, a real city, and has all the crime that goes with being a real city, including more complex crime. The police have to put more intensive efforts into solving some of the more complex crime that we have. All of those things indicate that the police need to be given greater resourcing, greater assistance and greater attention by this government, which is being derelict in its duty if it continues to neglect the police force of the Australian Capital Territory.

**DR FOSKEY** (Molonglo) (4.39): Although I understand some of the principles that drive this motion, I cannot support it, although I recognise it reflects a number of concerns from sections of our community. The Australian Federal Police Association webpage dedicated to Canberra policing does state that the ACT has had the highest increase in crime rates over the last few years, has the highest crime rates in relation to home invasion and motor vehicle theft of any state or territory and has the lowest police numbers per population of any police force in Australia. So some of the concerns that Mr Pratt is raising are matters of fact.

However, while I agree with the motion's argument that more must be done about the crime problem in the ACT, I believe that there is much more to the story than just police

staffing. The Greens see crime as symptomatic of problems much more complex than can be solved by just putting more police in the streets. To assist in solving these much more complex social problems that lead to crime, I advocate the direction of ACT government funding into community policing as one part of the greater solution. Community policing in general terms is about police officers being a more positive part of the community and the community knowing their local officers.

However, crime prevention is best achieved by the broader policies of reducing poverty, overcoming disadvantage, having programs to prevent people from and help them to stop drug and alcohol abuse, and addressing the causes of violence and abuse. It needs to be noted that much of the crime that occurs in Australia, and of course in the ACT, occurs in places where increasing police observance by putting them out on the streets will not help. That is because most crime still occurs in the home, especially violent crimes and sexual crimes.

The information that I am using is based on the annual report by the Australian Institute of Criminology, which gathers all the statistics in regard to not only the location of crime but also who is most likely to cause that crime. I guess it is no surprise that certain kinds of crime are committed by people who are known to the victim or, in many cases, are part of the family of the victim. We cannot get away from that, and those statistics are not going to be helped by putting more police in the streets. In fact, the ACT has some good programs in process to assist with that kind of domestic violence.

I see this kind of motion as something that has become quite predictable from conservative realms, and it must be quite a winner with the community because it is raised over and over again in election campaigns. It was raised in the Western Australian election campaign recently, where both Liberal and Labor were trying to outdo each other on being tough on crime. The funny thing is that, while the rhetoric gets stronger and stronger, what we are doing is actually creating a perception among certain parts of the community that they are at risk, whereas the fact is that people living on their own are probably at less risk than people living with some other people.

We really need to increase security for people but also increase their sense of security. An effective and community-minded police force is important, but by itself it will not reduce crime. I do believe that there is a space in our community for Neighbourhood Watch programs that come from the community and are very much about strengthening neighbourhood networks. I think Neighbourhood Watch is one of those organisations that can be used to support conservative ends as well, but I do believe that where it arises from a community's perceived need it has a very legitimate part to play.

The motion refers to Gungahlin police station. I note that all police stations in the ACT are open 24 hours a day, seven days a week, except for Gungahlin police station, which is open from 10.00 am to 6.00 pm every day. It is easy to argue, just from looking at that, that Gungahlin should not be an exception to the rule. However, advice provided to my office is that Gungahlin has a very low incidence of crime and there is, at this point, no great need for the station to be open 24 hours a day.

**Mr Pratt:** Talk to Neighbourhood Watch up there.

**DR FOSKEY:** That does not mean that there should not be a police presence there at times, so the people can expect that, but I would say that we might be talking about cars being a nuisance at night there, and I am not sure whether keeping the Gungahlin police station open 24 hours a day is going to tackle the kinds of issues that Mr Pratt may be referring to. Nonetheless, I do believe that situation should constantly be under review and that the ACT government does need to be listening to every section of its constituency. But, on the other hand, I do not think it should pander to the sorts of forces that want us to be tough on crime for its own sake.

I am aware that the ACT police 2004-05 budget submission requesting further funding for ACT Policing led to a study into police resources. Apparently, this study is currently being finalised and will not be made public. I urge the government to make this document public, because I am sure that many members of the community, me included, are eager to see the results and I believe that, once we see the results of this study, we will have much more grounded statistics and evidence to argue these kinds of questions. I also encourage the ACT government to foster the approach of community policing as part of a larger solution to the ACT crime problem.

**MR MULCAHY (Molonglo) (4.46):** I rise to speak in support of Mr Pratt's motion and I am particularly focused on paragraph (1) (b) because it is central to the concerns certainly I have in relation to the state of policing in the ACT. I think it is a fundamental point, as Mr Stefaniak pointed out, that every citizen in the ACT should be able to live in a safe community. It is reasonable to say that there should be confidence that our safety is guaranteed by a strong, responsive and accessible police force. That force should be well trained, well resourced and employ preventive strategies based on close and effective links with the community. Regrettably, it seems that we are not there and we are quite a way from achieving those outcomes.

The evidence is in the insidious creeping into the community of lower category crime, such as vandalism, graffiti and things of that nature. I get a regular number of calls from constituents who are concerned about these matters, particularly in, for example, the Weston area, where I think our Treasurer resides. People tell me that it is prevalent there in particular. Small shopkeepers who might suddenly find their building defaced over the weekend have to outlay another \$600 or \$700 to spray or paint over the damage that has been inflicted on their premises. Any of the members living on the southern side of the city, such as the minister for police, the Treasurer and others, going through, for example, Hindmarsh Drive, will have seen an almost unbroken line of graffiti running the length of Hindmarsh Drive from Woden as you head towards Duffy. It is quite extraordinary that this level of vandalism is occurring and nobody seems to be able to apprehend the people concerned.

There have been other trouble spots that continue to plague the community. I cited in an adjournment speech recently the area around the Woden interchange. That has been going on for years, and I do not understand why it occurs right on the doorstep of a police station. Lend Lease run that complex, but I do not know where the title begins and ends. But surely the police could deal with some of those people lingering in that area who are harassing kids. My own child was approached for money by people who did not realise she was accompanied, a few paces behind. Those people are preying on kids and annoying them for money, and that ought to be addressed. It is happening right outside

the police station. In a lot of these situations, I think the issue does come down to visibility.

I understand what the minister says about targeted policing and intelligence gathering on crime—I do not dispute that—and I am aware of the motor vehicle figures. When I was in the hotel industry, there was a major problem on Northbourne Avenue of cars being stolen from hotels—a colossal level of thefts some years ago—and it is encouraging to see that those figures have improved. But there is another level of crime, that is, the lower level crime issues that are the cause of a lot of aggravation and angst to people in the community, and it seems that they just all get too hard to deal with.

I dispute Dr Wedderburn's view that police visibility really will not help and I will come to some illustrations in a moment of where I think it has had an impact. We have to give attention to antisocial behaviour in lower level crime because I suspect that, if you do not tackle it at that point, it does grow into more adventurous crime that is more life-threatening and more disturbing for people in our community.

The reason I have focused on the second point of Mr Pratt's motion is that it is like the boy crying wolf: it is no good running messages to call Crime Stoppers and report crime if nothing ever happens when you ring the police. I do not know who is responsible. I have a bit of an open mind on this issue. I have had a good relationship with the police force and with the Australian Federal Police Association. I met with them prior to the election and I know a number of people in the police service. People tell me that it is an issue of resources. The minister says it is not about resources. When you talk to the police you get the impression that they feel frustrated with the fact that the courts will not impose suitable sentences. I know Mr Stefaniak has had a lot more experience than I have in dealing with these issues through police prosecution, being a defence lawyer and so on.

The fault seems to lie in multiple places, but the bottom line is that people are dissatisfied that matters they raise are not acted upon. That would give you the impression that either there is not enough resources being applied or that the whole job is too hard. I had police say to me that there is an issue with paperwork—the amount of paperwork involved on every single report. Examples were given to me of how in other parts of the world—in fact, in the city of Chicago, where I once lived—there were civilians to deal with a lot of the behind-the-scenes paperwork. But in Canberra we have a system where they follow it from go to whoa. I am not an authority in these matters to know which works best, but it would seem to me that, if you have embarked on a career of fighting crime but every time you investigate a crime you are swamped in paperwork, you are going to be a little hesitant to pursue some of those lines of inquiry.

We seem to receive many complaints from citizens about lack of results. I have been briefed on one incident that occurred in Piddington Street, Watson in late November. For the record, the PROMIS note registered this complaint as 3348786. I am advised, in the briefing that was provided to me, that this related to an incident of a wild street brawl involving a large number of young men who had attacked a particular house and violently and seriously assaulted another young man, whom, I am advised, may also have been no angel.

Further, it is suggested that on the night of the fracas two police did attend but had stood off some 100 metres for an hour, watching; no attempt was made to intervene. I can understand, as Mr Stefaniak referred to, that there may have been apprehension about not having backup, but the resident witnesses indicated that an illegal stun gun was used in the fracas. The resident who raised this with the opposition, a former policeman, indicated that his complaint has been disregarded. I was not there and I do not know all the circumstances, but it is disturbing that people come forward with these incidents.

Two weeks ago I received a call, logged at 4.30 in the morning, from a constituent who called me to tell me their other half was being assaulted in Manuka by a group of people and that three of them required medical treatment thereafter. They sought the assistance of police in the area, who indicated they were preoccupied with a stabbing further up the street. This was in Manuka, which is supposed to be one of our more prominent, exclusive or safe entertainment districts and shopping areas. From the neighbourhood there I am getting a complaint almost every week, and I do not understand what is going on.

The minister makes light of it, but I have had young women contact my office who have reported threats and attempts at robbery. I took my wife to a film in Manuka the other evening. There are police patrol cars there now on the footpath and there are police squads with dogs, and I think it is encouraging that there is a presence. But it seems to me that there is a fundamental issue in that neighbourhood and in Kingston—but particularly Manuka—of recent times that is leading to violence and assaults. I would like to see that stamped out and I know the residents of the neighbouring suburbs who patronise those facilities are genuinely concerned.

People are reluctant at times after hours to go to the Coles car park there to pick up their vehicle. A woman working in the area spoke to me only two days ago about her concern. I have had a car vandalised twice there, and on one occasion my wife waited five hours while the police kept saying they were coming and then kept saying they had higher priorities, asking her to wait with the vehicle. So there are issues there.

Patrols are important, despite what Dr Wedderburn from the New South Wales crime statistics branch might say. Kingston has enjoyed the benefit of more foot patrols, but I believe that about a year or so ago the police overtime budget ran out and it was felt by licensees in that area that it was no coincidence that a serious violent assault that occurred a week or two after that overtime ceased did result in the death of a person. The two events may not be associated but it seems, from every view of licensed premises that I have received, that a police presence tends to discourage people from embarking on assault as a solution to disputes. I had advice this morning from one business that they are spending \$3,000 a week on security to deal with people who approach their premises—I am not talking about people inside who are intoxicated—with weapons, threats and so forth and put at risk those who work on the door of those premises.

We need to take a tougher view on these matters. The motion deserves support and I would encourage the minister to listen carefully to the issues that have been raised by members of this side of the house.

**MRS BURKE** (Molonglo) (4.56): The ACT can be very proud of its police force and the job they do under the circumstances. However, it is clear to all of us in this Assembly that police in the ACT simply do not have sufficient resources to deal with the number of incidents they are called upon to attend to as part of their duties. We have heard much evidence about that today, and people cannot be making these stories up. The minister and the government just say, "Give us examples," but we have given them dozens and dozens of examples—and this is not to knock the police force in any way at all.

It would seem again that the government, rather than fixing the problem of inadequate police numbers, is fine with almost blaming the community and putting the onus back on them. The matter being debated today is one that we should all be contributing to as it affects us all if we live our lives personally and professionally in the ACT. It is a pity that the minister, and therefore the government, in the minister's words "will be supporting not one word of the motion". I think those were the minister's words. I am sure that ACT Policing will be disappointed, minister. We are here trying to support them—and you are obviously not, and that is sad.

I would like to raise some issues in relation to the plight of public housing tenants, who often are left frightened and with a feeling of no protection from, overall, very well-trained police officers in the service who, as I have said, are simply stretched to the limit. I must here commend ACT Policing, though, for their tremendous efforts during Operation Halite, and the minister and the minister before him.

Written feedback and discussions with a broad cross-section of public housing tenants in the community—not just in my electorate but also right across Canberra—show that people are feeling less and less safe in their homes and that their personal safety is being threatened. I have many instances here of which the minister will be well aware: the recent alleged firebombing of a public housing tenant in Latham; the drug use at public housing flats in Woden, Fraser Court and just about everywhere else that we can imagine; the bullying of older people at public housing complexes by nearby public housing tenants; and suspected gun manufacturing at Fraser Court, which I know the minister is aware of but about which nothing seems to be done. The remnant of people left at Fraser Court live in fear for their lives. This is just simply not acceptable. People are feeling threatened and intimidated in public housing complexes in general.

The government has basically lost control and there is no deterrence factor due to a lack of community or beat police. I did like what Dr Foskey said on the matter. She talked about the social problems having to be addressed, and I agree in part, but we also must ensure that our society does not continue down a growing path of lawlessness in the absence of the enforcement of law and order by an underresourced police force. It simply is not fair to them. The minister can sit there, laid back, almost trying to ignore the problem, but it is a real problem and he needs to get a handle on it.

The police minister has failed to increase police numbers in line with the national average and in line, let us not forget, with the Stanhope government's election promise. Do not promise something if you are not going to be able to fulfil that promise. From all the reports we hear, community confidence in the police to manage crime is certainly falling.



However, this issue today is certainly not all about public housing tenants; it is about all residents of the ACT and their being afforded the opportunity to enjoy the safety, peace and quiet of their own homes and surroundings. For a growing number of people, this is tragically in decline and people's quality of life is being dramatically downgraded. At the risk of my sounding dramatic—and the minister can sit there saying that I am probably doing that now—the minister had better understand that we, the opposition, are listening. Maybe the government needs to do the same. This issue reaches to the heart of whether people are law-abiding citizens and really has nothing to do with, in many ways, whether those people are public housing tenants or private residents.

However, if there is rising crime and lawlessness, we will simply drive people away from Canberra. We will send out a wrong message. Canberra used to be known as a great place to live and bring up children. That is why I came to live here. You cannot keep hiding from the fact that there are problems. The problem is that we do not see the problems out in the media; they are well hidden. But the minister is aware of them and he needs to deal with them.

The specific challenge that must be considered is that Housing ACT tenants are concerned that there is a great deal of buck-passing between Housing ACT and the police, as there does not appear to be a clear delineation of responsibility. For example, tenants will call the police to ask for assistance due to the unruly behaviour of another resident, but the police are concerned with becoming involved, citing it as a housing/landlord/tenancy issue. Yet, when the tenant then refers the matter to Housing ACT, the advice is that it is a police matter.

It has been reported to me that police are so busy that often they have been unable to attend to calls for help in a timely manner. This shows the obvious signs of a police force under too much pressure. I am not suggesting that Housing ACT as landlord is not adhering to the requirements of landlords under the Residential Tenancies Act. Tenants, as indeed other people in the community, must take responsibility for their own actions. That is understood; we know that the vast majority do. But it is clear to me that both Housing ACT and the police are under great pressure and are underresourced to deal adequately with the situation or particular problems where clear lines of responsibility may not always be apparent. This confusion does nothing to help instil confidence in our community.

I question the existence or even the validity of a memorandum of understanding between Housing ACT and the police. I am often advised that they do work together, but I have to wonder just how formal this arrangement is and if it is an area that needs firming up. Clearly, the people left floundering in the middle are human beings. It is not acceptable that tenants are being passed from pillar to post in order to get a resolution to their problem. Often these things are life threatening. I would suggest that reports about gun running and stuff happening in a complex are enough to send anybody there.

People are feeling isolated and left alone as they are trying to live their lives, albeit in fear. They are left wondering what to do when a problem arises. They simply do not know who to go to, minister, and they are often given conflicting advice. Again, this goes back to the need for clear lines of responsibility. In the case of public housing, there is often a poor handling of cases. It is simply not good enough to receive a job number

from the police and not always see a follow through whereby information is shared, where it is permissible due to privacy issues, between agencies when it would clearly be of benefit.

Mr Pratt alluded to the inability of the government to ensure the police are resourced adequately to be able to follow up cases. That seems to be the problem. The police do a great job as far as they are able, but often the follow-up is not there. An equally frustrating thing is that the police are unable to get to the scene as quickly as they need to be, and that is terrible. If you are a tenant or a resident stranded with a violent person in your back garden or walking past your residence, what are you supposed to do? It must be equally frustrating for the police not to be able to see a job through to its full conclusion due to constraints placed upon them.

Until such time as we see a firming up of any specific, publicly-recognised agreements across agencies, it will remain the case that in some circumstances the police and Housing ACT, as given examples in this motion, will not be adequately equipped to deal with people who are a danger to themselves and to others in the community. I commend Mr Pratt for bringing on this motion today, and I do call upon the government, and particularly the minister, to ensure that more is done for the Canberra community and their safety, and that certainly more is done to ensure that members of our fine police force are adequately resourced to do their job.

**MR SESELJA** (Molonglo) (5.05): I also commend Mr Pratt for bringing this motion forward. This is an issue of importance to many people in the community. There are very few issues that are more important than community safety. In my time in the Assembly, and before, aside from the planning portfolio I think policing has been one of the major concerns that constituents have come to me with, right across the electorate of Molonglo and across the ACT. In particular, I have had lots of representations from people in the Gungahlin area who are very concerned about the lack of a permanent police presence. This is not something that we are making up or that Mr Pratt is making up; this is an issue of general concern in the community and, no matter what Mr Hargreaves might say about it being a beat-up from Mr Pratt, this is about the residents of the ACT telling us something and us taking up that issue.

The point that was made by Mr Mulcahy on police being tied down with paperwork is an important one. It is never an easy issue as to how you overcome that, but it is one of the most common complaints that I hear from police. I have spoken to many police over the past few months and—

**Mr Hargreaves:** The AFPA?

**MR SESELJA:** I have spoken to many police in the AFP and the New South Wales police. It is an issue for many police around the country, but it is one that needs to be resolved to a degree to be able to free up police as much as possible to get out there on the beat and to be in the community and be seen in the community. Obviously, there are lots of aspects to policing: deterring crime, preventing crime, responding to crime and also that intangible, I guess, of just giving people a sense of security and a sense of confidence in their police force and a sense of confidence to walk the streets.

Mr Hargreaves talks a lot about intelligence-based policing, and I do not dispute the merit of that, but there is something that is irreplaceable about just being out there in the community, having a patrol car out on the streets, having a presence out in the community that people can see, so that people can feel safe. You can do all the intelligence-based policing that you like, but if you are not there on the scene it is often difficult to prevent crime. That is one of the concerns in the community and that is, to a large degree, a numbers and resourcing game: if you do not have the numbers, they cannot be out there, they cannot be all over Canberra.

One of the difficulties that police face has been a change in community attitudes over the past 20 to 30 years. People are becoming more disassociated, I guess, from their neighbours. One of the things that kept people very secure was that they knew all the people in their street and they knew that, if they went away, their neighbours would notice if there was someone hanging around who should not be there. I think that has changed. That is something that we as a community all bear responsibility for, but that has obviously changed the nature of policing, in that I guess that means a greater workload for police and a greater call on police because of the changing face of Canberra neighbourhoods. It is not just Canberra, of course; it is the same around the country and, I would say, around the world.

In particular, I would like to talk a little bit about Gungahlin. In Gungahlin, I think there are about 30,000 residents at the moment and it is growing rapidly. It is about the only area of Canberra that is expanding significantly, and not to have a police presence there after 6.00 pm does cause a lot of people in the Gungahlin area real concern. I have spoken to police at the Belconnen station about how at any one time there are often only one or two cars out in the area. After hours, Belconnen also services Gungahlin, so there are 90,000-odd people who live in Belconnen and 30,000-odd in Gungahlin, spread out over a fairly big area, and yet only one or two patrol cars. It is very difficult for them to respond in a timely manner to incidents, and that really is what the concern is in the community.

Dr Foskey spoke earlier about how the level of crime is relatively low in Gungahlin, but there is that unreported crime and there is that lower level crime that Mr Mulcahy referred to. If people do not think that the police are going to get there quickly, they are not going to report the burnouts, the minor vandalism or other things. But those things are still a concern and they still affect people's lives.

**Mr Smyth:** Or they get sick of reporting them.

**MR SESELJA:** That is right—or they get sick of reporting them so they do not report them any more. Obviously, that underreporting can also affect the crime rates and the crime statistics, and I would suggest that it is more likely that there will be underreporting where people do not have the confidence that they will see a response, especially where they do not have confidence that they will see a quick response. That is the major point I want to make. I call on the government to look at the issues in Gungahlin. I do not know when the government feels that it is going to be appropriate for Gungahlin station to have a permanent police presence, but I would suggest that the time is now.

I would suggest that the government needs to get serious about the people of Gungahlin. They are not second-class citizens. We know that they suffer a lot from a lack of services in other areas, we know that their road links are pretty ordinary, to say the least, and we know that their community centre, even their town centre, is underresourced, with a lack of ovals and sporting facilities. So there are all sorts of issues, yet policing is one of the things that really give people a sense of confidence and wellbeing, and I do not think we can leave the people of Gungahlin without adequate police support. Especially, we need to look at the possibility of basing vehicles in the Gungahlin area and a full-time presence after hours.

In conclusion, I commend Mr Pratt for bringing forward this motion. I note the sniggers coming across from the other side, particularly from Mr Hargreaves. That seems to be the way he responds to these issues of genuine community concern. It seems to me that the way he operates as a minister is to dismiss any criticisms and say, "No, this is just rubbish coming from the opposition." But there are genuine concerns in the community. There are genuine problems and there is a need for an increased presence, particularly in Gungahlin, and, on behalf of my constituents in the Gungahlin area, I call upon you, minister, to start acting, to start taking this issue seriously. I commend this motion.

**MR SPEAKER:** I call Mr Smyth.

**Mr Hargreaves:** I can't believe this.

**MR SMYTH** (Brindabella—Leader of the Opposition) (5.12): Mr Speaker, I thank you for the opportunity to join this debate. I note that the minister says; "I can't believe this." Minister, you should believe it. This is a serious issue. It is actually an indictment of you that we are talking about it. We are talking about a serious issue of leadership, minister, to achieve the objectives that the community want. What the community is asking for, and what Mr Pratt is highlighting here, is a timely response from their police force when they call for assistance.

Most people do not ring for the fun of it. They ring because they need immediate assistance because of something that is occurring to them or in front of them or something that they have discovered when they have returned home, and it is about that timely response. This is not an attack on the individual officers of the Australia Federal Police ACT division, which this side of the chamber have the utmost respect for and over time have given them the resources to do their job—resources currently denied by their minister.

This is a timely debate. I heard the minister say earlier, "Give me examples. Give me examples." I will give him an example. I have been approached by a couple who live in O'Connor. They rang on Australia Day this year to report that a young man was breaking into letterboxes outside their apartment block. They were told that a police car was on its way—a crime in progress, a police car on its way. That police car never arrived. When the owner of the letterbox returned home, the couple informed the owner that it been burgled, that they had told the police and that a car was pending but that as yet it had not turned up. I say again: the car never arrived. Later, the owner rang to get the incident number off the police so that she could put it on her insurance claim, only to find that the

police did not actually take down a record of the incident. So there was never going to be a car despatched, because it was never recorded. That is the sort of complaint, minister.

**Mr Hargreaves:** So the phone call was made, was it?

**MR SMYTH:** Yes, the phone call was made. I have spoken to the constituent.

**Mr Hargreaves:** And the proof of that is?

**MR SMYTH:** I have spoken to the constituent. It is that sort of attitude from the minister that is letting this police force down. I have a second example of a proprietor of a business in the Woden area who was having trouble with people keying or coining the sides of customers' cars. It was happening on a regular basis. When people came in and complained to him, he would immediately ring the Woden police station. We heard this in the term of the last Assembly: on some occasions the police station would not even answer and on other occasions, when an officer eventually answered, the officer would say, "Look, I'm sorry but we don't have a car." You want examples. The third example: last financial year, in a matter of weeks, 32 cars between Phillip and Farrer were burgled, burnt or destroyed. Do you want another example, Mr Hargreaves? The residents of a street in, I think, Waramanga woke up to find five or six cars burgled one Saturday morning—there in front of them—for which police attendance was very slow and the result very unsatisfactory.

The police are telling us that they do not have the resources; they do not have the ability to respond to the rising level of crime in the ACT because they are underresourced. It gets back, I suspect, to leadership. I think public servants are willing to give that little bit extra if they know, firstly, that it is appreciated and, secondly, that it is respected. What they do not see from the Stanhope Labor government is that they are respected or that they have the trust of the government.

Something that narked me for a long time was the failure of the police minister in the last term to attend police remembrance days. Normally, it is held on 30 September and it is held at various locations. Except for the one on 30 September, just before the election, guess what? No representative from the Labor Party ever attended police remembrance day for the first term of the Stanhope government. They certainly did not attend, to the best of my knowledge, in the years previous to last year.

That something that the police officers at those ceremonies comment on constantly to those of us who attend. It is noted that there are representatives of the Liberal Party. The Democrats used to come and even the Greens used to come, but the lack of attendance from the Labor Party on those days was well and truly noted. Indeed, in the last term of the last government, there were a number of farewells to senior police officers that members of the government did not attend. That shows a lack of respect for what the police do and has led to this erosion of confidence in this government from the AFP. Mr Hargreaves, if you do not understand that that erosion of confidence is there, you are blind to what is going on inside your portfolio. Being in denial mode will not make it better.

We are saying that the people of Canberra are telling us that they want to see more police officers on the street. They understand that you made that commitment a couple of weeks

before the election, Mr Hargreaves, and then did your famous backflip. You said, "If I'm police minister, I'll bring it up to national average." Is it any wonder Mr Stanhope did not make you police minister in the first term of the Stanhope government? Is it any wonder that he had to leave it until the second term for that to occur? But the problem is that—

**Mr Hargreaves:** Selective quoting.

**MR SMYTH:** It is not selective quoting; it is what you said—that you would bring it to national average. We do not have national average and, like so many things that this government promises, it is not coming to fruition.

**Mr Hargreaves:** We have 20 more coppers than you gave them.

**MR SMYTH:** Okay, if you have more coppers—

**MR SPEAKER:** Order, Mr Hargreaves! Mr Smyth, direct your comments through the chair.

**MR SMYTH:** Mr Speaker, you are right: I should direct my comments through the chair. I get a better level of interjection from you; you are so much better at it, Mr Speaker. I should not respond to Mr Hargreaves but, if you will indulge me just this once, Mr Speaker, Mr Hargreaves said that there are more police on the street. Well, good. Then I expect that Mr Hargreaves will comply with paragraph (2) of Mr Pratt's motion and reveal to the Assembly and the community the true strength of the ACT police force and that he will document it, he will prove it. He asserts it all the time, but when you ask him he never proves it; he cannot prove it.

So from hereon I take it that, if there are more police on the street, we will see a reinstatement of the mounted police and, if there are more police on the street than we ever had, as Mr Hargreaves just said, they will ensure that the Gungahlin police station will be open 24 hours a day, seven days a week. But I will be surprised when that happens because, as we fear but cannot prove—because the minister will not reveal the true numbers—there are not more police on the street all the time. That is the problem. But, if the minister is true to his word and he believes it, then clearly the government will vote for paragraph (2) of this motion and they will table the documents to prove it, quickly.

What we are saying is that the public are fed up. The public want some action on this. They want to feel safe on their own streets. They want to know that, if they ring the police, officers will respond and attend and that the wonderful atmosphere that we have always had in Canberra—of the big country town where it is very, very safe—will continue. Minister, it is over to you.

**MR PRATT** (Brindabella) (5.20), in reply: The minister continually hides his embarrassment about the declining police force capability by attacking the opposition's call for him to reveal the truth about the numbers. His oft-quoted war cry is; "I won't play this game of numbers at 50 paces," or words to that effect. How else is the community able to measure police capability if we do not talk truthfully about the

effective police numbers—by reading statistics of so-called achievements in an annual report? Important as that may be, it is not the fundamental benchmark measure.

Let us look at these police numbers. The national average was 289 police per 100,000 people. Canberra had just 251 per 100,000 in 2003-04. In 1997-98 we had the highest number of police per capita. In 1979-80 there were 655 AFP officers and now, 25 years later, we have 633 sworn police officers—with a much larger population.

The minister's argument in the annual report hearings—that crime spending per person of almost \$30 behind the national average of \$80 is because the ACT figures do not include overheads—does not hold water. The Productivity Commission's report into government services would have made that clear in a footnote to the comparison with other states and territories as to the reason why there was such a huge difference. So this is just a lame attempt by Mr Hargreaves to justify the shortfall in funding. On police numbers, Mr Hargreaves has said:

... although the ACT's police numbers were down on the Australian average, that was because the community was different to those in other states ... it's what we do, not how many are doing it.

But that is the point: it is what they do not do, so it must be a problem of how many are, or are not, doing it. There are not enough doing it, so they cannot do enough. The fact that the ACT government will not come clean on exactly how many police effectively we currently have in the ACT means they are obviously embarrassed by the low numbers and do not want us to disclose them. How many police are on sick leave? How many police are on rotation overseas? How many police effectively do we have in our police station teams? How many police are standing by their desks on any given day? I bet you that we have got a decline in effective strength. The government is deliberately misrepresenting the facts to the community. The government is obfuscating. That is the only conclusion that I and the community can draw when the government continually evades the question of a comprehensive audit of police strengths, effective strengths, and those related factors that I outlined earlier.

Earlier, I focused on the lower level crime. Let me just turn quickly to the level of serious crime here in the ACT and what that means. Let me just go through about 10 robberies and six other activities that all occurred in the last three weeks: bag snatch at knifepoint in Civic; Oaks Estate community room burgled; indecent exposure in Commonwealth Park; armed hold-up by three offenders at knifepoint at West Belconnen Leagues Club; the Civic barrow convenience store robbed at knifepoint; armed robbery at Chisholm BP service station; smash and grab at Charnwood; kidnapping at Belconnen car park; smash and grab robbery at Scullin supermarket; three people assaulted and robbed two teenagers at Garema Place; armed robbery at Mawson pizza store; ram-raids at supermarkets in Higgins and Palmerston; two men, armed with knives, hold up Chisholm service station—again, all in the space of three weeks; Kambah video store robbed at knifepoint; aggravated burglary at two supermarkets, Tempo in Palmerston and Kaleen takeaway; and a tourist robbed at knifepoint in Braddon.

That is, in the last three weeks, a total of 10 armed robberies, six ram-raids and burglaries of shops, on top of a raft of burglaries of community and commercial premises, indecent exposures, kidnappings and assault. That all took place in three

weeks. And these are the only ones that have been reported in the media; I think these are the tip of the iceberg. In addition to that, the Chief Minister even admitted on 15 March a 55 per cent increase in robbery offences in the December quarter 2004, which also reflected, or was part of, a mosaic of stats which showed a 16 per cent increase over the 12 months of the 2003-04 period. Interestingly, today Mr Hargreaves, in his press release selectively reporting on criminal activity, clearly forgot to mention those factors raised by the Chief Minister—deeply concerning figures on major crime.

In annual report hearings the minister talked about intelligence-based policing. But this alone is insufficient. It is a very good strategy but, no matter how well organised, it is not going to make up for a serious lack of police numbers, both to act as a deterrent to criminal behaviour and to make for an established front line community policing presence. Only by covering both bases, intelligence-based policing and a strong police presence in the community where the community gets to know our police and our police get to interact with our community, will we solve the policing crisis we currently have in the ACT.

Also in the annual report hearings the minister did not instil confidence in those at the hearings that the community is effectively any better off. The fact is that the government promised in 2001 that it would “implement a policy to restore the number of police officers available to at least the national average”. This they have failed to do and, disturbingly, they continue to be vague about the real strength of policing in the ACT. Turning to another point, the minister talked about police visibility not being the most important thing. Let us not talk about smart policing as value adding to the point that low visibility of police does not matter. Either you have visibility to deter crime or you do not—and we do not.

Let us look at a couple of comments that the Greens made. Dr Foskey was quite right to point out that we must address the social issues as a way of preventing crime. Of course she is right: we cannot just deal with the symptoms of what we see in the community every day. But I would say to the Greens that addressing the social issues alone and concentrating our resources there and there alone is not good enough. This must be done in partnership with effective policing—the two together—and preferably with policing working as part of that strategy. Addressing the social issues is the way that we must go.

Dr Foskey talked about the predictable so-called conservative “tough on crime” call across the country. My response to that would be that we would also like to see from the Greens a more realistic and a more responsible approach to dealing with criminality and making sure that we do serve the community. All of us here serve the community. The Greens have a duty of care to take a realistic approach to these issues regarding community safety, and I call upon them to do just that.

I finish by saying that the government has a duty of care to support and to resource our police. The government has a duty of care to protect the community. Community safety is a major priority in the greater scheme of good governance, and at this point it is clear to me and it is clear to the community that the government is failing in that regard. Our police force is overstretched. Even within the front line makeup of our police deployment, it is losing experience. Young police teams are being turned out which do not have the same confidence as others had some years ago to tackle some of the complex problems that the ACT is facing more and more.



I have listed today a series of incidents, low level crime and high level crime, dangerous crime based on letters written to me and which I pass on to the minister, based on media reports, based on responses to questions on notice. I am sure I have only merely scratched the surface of those today. Sadly, the government has obfuscated on the true strength of ACT Policing—unsworn police, police on long-term sick leave, the level of experienced policing. Until we have a more honest appraisal of what that true strength is, we are not going to be able to tackle the problems.

Perhaps we even have to look at the agreements that exist between the ACT jurisdiction and policing. We may need to have a look at that to see whether there is a more effective way of organising our policing to protect the community. I call on the government to let us know the true strength of effective policing. Yes, we have 33 new police, but that will not reflect a net effective gain in police strength. There has been a leaching of experience, there are questions about rotations, and I call on the government, in terms of its duty of care to the community and to its police force, to come clean and let us know the true strengths.

Question put:

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

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.

Motion negatived.

## Office of Fair Trading

**MS MacDONALD** (Brindabella) (5.34): I move:

That this Assembly:

- (1) notes that:
  - (a) the Office of Fair Trading continues to enhance its activities to the benefit of the ACT community;
  - (b) successful prosecutions have been undertaken of traders in the fitness, real estate, motor vehicle and credit provider industries that have acted against the interests of consumers; and
  - (c) a wide ranging licensing and enforcement regime has maintained a high level of professionalism amongst businesses and has resulted in increased protection to ACT consumers; and

- (2) recognises the achievements of the Office of Fair Trading and acknowledges the important contribution made by the Office to the wellbeing of the Canberra community.

Mr Speaker, it will be five years in July since the Office of Fair Trading was formed by the amalgamation of the Consumer Affairs Bureau, the Liquor and Adult Services Section and the Agent Services Section. The office was formed to harness the combined resources of three separate areas that, in the main, undertook the complementary and interdependent functions of licensing, regulation, and consumer and trader education. The approaching milestone and the office's recent regulatory enforcement and educational activities warrant special mention in this place.

The office's primary role as an industry regulator sees it administer 20 pieces of legislation and provide education and consumer advice services in respect of the ACT's fair trading laws. It undertakes this work under the banner of promoting consumer confidence. To support and complement its regulatory activities, the office proactively undertakes consumer and trader education and provides advisory and dispute resolution services for consumers.

Today, I wish to highlight some of the successes the office has had with its recent enforcement activities. Before I do so, I would like to offer the following comment provided to me by the Care Financial Counselling Service, a prominent local consumer advice and support agency:

Our observation from the last term of the Assembly was that the ACT has returned to the forefront of consumer protection developments in Australia. The outcomes of renewed policy and regulatory vigour have delivered a number of benefits to Care's clients.

Mr Speaker, members will be aware that the Commissioner for Fair Trading recently used, for the first time, his powers to name a trader who was engaging in conduct concluded to be detrimental to consumers. That trader was whitegoods repairer Trevor Karlsson. This action was taken after exhaustive investigation work by officers within the office's advice and complaint unit and the enforcement and litigation unit.

The creation of the enforcement and litigation unit within the office has been instrumental in enabling the commissioner to pursue significantly more matters by way of both civil proceedings in the courts and other regulatory law enforcement measures. The re-availability of in-house legal advice to the staff of the office has not only assisted with the more complex matters but also had measurable improvements in the quality of the advice that has been given to consumers and traders.

In addition to the Karlsson matter, the commissioner has, by court action or otherwise, obtained in the past 12 to 18 months successful outcomes for a large number of consumers. This includes obtaining a declaration from the Supreme Court in respect of a matter related to Bodyworks gyms on behalf of 15 consumers. At this very moment, a total of \$5,500 is being returned to 15 consumers who were victims of unlawful fitness service contracts. The Supreme Court declaration also clarifies other consumer rights under the fitness industry code of practice.

The commissioner is shortly to commence action on behalf of three consumers against a local building firm that has provided substandard work to consumers and is unwilling to remedy the situation. The office has been successful in the credit tribunal in negotiating the highest proportion of penalty per non-compliant contract for all jurisdictions in Australia in a matter involving AVCO Finance. The total proceeds of \$170,000 will be put in the consumer counselling trust fund for the funding of consumer credit education.

In addition to this more prominent compliance activity, the office and the enforcement and litigation unit in particular have also been successful in negotiating a range of other appropriate outcomes on behalf of consumers. For example, a local freight forwarding company, engaged in overseas removal services, experienced administrative and financial difficulties that meant that consumers' possessions were not being delivered. The unit has assisted in locating those goods and recompensing consumers.

Much of the work that is passed to the enforcement and litigation unit originates from the office's compliance unit. This unit undertakes a wide range of tasks associated with the enforcement of the fair trading legislation and associated codes of practice. A fundamental role of this work is the work it does in relation to the safety of products on the market. A considerable amount of this activity focuses on the products used by children. Members will be aware of the work the staff of the office do each year in preparation for the Canberra show, when inspectors inspect all products included in show bags to ensure that none contain items that might be dangerous particularly to young children.

The office's compliance unit also performs proactive and intelligence-based inspections relating to the trade measurement laws of the territory. This involves a comprehensive program in which inspectors check about 20,000 instruments, meters and packages each year to ensure that consumers receive the volume and weight of goods that they are paying for. The office's compliance staff also deserve recognition for the work that they undertook in the implementing of the new consumer fireworks regime last June. The inspectors completed 248 inspections over the seven-day selling period of the 22 licensed outlets.

One of the most visible inspection programs of the compliance unit is that directed to liquor sales in the ACT. The staff of the unit are active at all hours of the day and night to monitor liquor sales and services. The unit has developed a strong working relationship with the Australian Federal Police. In partnership, the agencies undertake joint operations to ensure licensees comply with both the Liquor Act and the Security Industry Act. The unit also ensures compliance with determined occupancy levels for licensed premises, that liquor licensees do not serve underage drinkers, and that licensed outdoor areas are operated in compliance with the licensing standards manual.

The compliance unit and the AFP both place high priority on the detection and investigation of the use of false IDs to gain entry to licensed premises or purchase liquor. The office successfully prosecuted 11 minors for ID-related offences in the month of January of this year. Over the past 12 months or so, the office has also been required to integrate the regulation of the new legislation for the real estate and security industries and legislation aimed at prevented gazumping and dummy bidding. The office

acknowledges that a number of problems had to be overcome in implementing the legislation, but today industry and consumers alike acknowledge that the new laws are achieving their objectives.

Complementary to the work of the enforcement and litigation unit and the compliance unit are the activities of the staff of the advice and complaint unit. This unit is the front line to consumers and deals with nearly 10,000 telephone, email and written requests each year. The unit's call centre has recently been acknowledged by InTACT as a model call centre. This accolade recognises the higher rate of targets met in answering calls as well as responses within reasonable times and a very low dropout rate of callers. The unit has met key performance indicators to such an extent that it has been approached by Centrelink and ACT government agencies to discuss its work practices.

The staff of the unit have not been satisfied in simply dealing with the complaints that they receive. This unit has initiated activities designed to reform troublesome and recidivist traders. Two such programs worthy of mention are priority 15 and the infield educational services. Priority 15 is a program aimed at the 15 local traders who most frequently feature in complaints received by the office. Staff of the advice and complaint unit deal directly with these traders to both remedy consumer complaints and, more importantly, assist the traders to put in place the necessary internal controls and practices to improve their procedures so that matters do not escalate to the level of complaint.

The unit's infield educational services program is a new program that involves staff going out to major traders to educate their staff about consumer rights and trader obligations under fair trading law. The program has been well received by the major retailers in the ACT and it is hoped that about 50 lectures will be conducted over the next 12 months. These two outreach programs will target traders in the eight industries that generate over 55 per cent of the complaints received by the Office of Fair Trading.

One of the office's more unrecognised and underrated activities in respect of its importance to the rights of consumers is the work undertaken in respect of the licensing and registration of the 20 different industries or professions in the ACT for which it has responsibility. Each year the office deals with about 6,500 applications and renewals in a diverse range of industries, including real estate, travel and employment agents; motor vehicle dealers and repairers; liquor retailers; the security industry; and the X-rated film outlets.

To enhance licensing and registration data storage in management, the office has developed and implemented a new electronic integrated business system that has amalgamated a number of licence information systems. The IBS has enabled the office to record in a uniform manner the details of all businesses and persons who are licensed or registered under the various laws administered by the office. The IBS readily accommodated the new licensing regimes for the security industry employers and employees, real estate salespersons and fireworks retailers.

The system is also used to record complaints received from the public over the phone, by email and in writing and to record details of inspection and prosecution activities. The IBS enables the office to obtain accurate and timely statistics from all the data recorded and it also allows the integration of regulatory records with both consumer reports and compliance records.

The Office of Fair Trading is justifiably proud of its achievements, but this pride does not distract it from the omnipresent challenges of protecting consumers and enhancing consumer confidence. The office knows that innovations and business practices such as e-commerce, m-commerce and expanding online activity will create new problems and issues. Local consumers will not be left unguarded in the new trading environment. The office already has productive relationships with national and interstate agencies that ensure it is fully informed and properly equipped and skilled to deal with the new issues as they emerge.

I know you will share my belief that the work of the 35 staff of the Office of Fair Trading warrants special mention. Many of its activities go largely unnoticed by the public, but it has successfully developed its services and activities to focus on those things that are proving useful in addressing consumer issues. At this point, Mr Speaker, I would say that, while they may go unnoticed, I am sure that if they were not around the Office of Fair Trading would be sorely missed and we would notice their lack of presence.

As I mentioned before, the work of the office covers everything from the licensing and registration of important and sensitive industries to providing consumers and traders with advice about their rights and obligations in pursuing the more difficult consumer and licensing issues through the use of its extensive enforcement powers. The strength of the office is not its success in any one of these areas; its strength comes from its conscientious and effective performance in all three of these tasks.

I thank the staff and management of the office for the input and work that it undertakes on behalf of the ACT community and I look forward to the office continuing to undertake its very important work for many more years. Mr Speaker, I commend the motion to the Assembly.

**MR STEFANIAK** (Ginninderra) (5.48): I note that Ms MacDonald's motion calls on the Assembly to recognise the achievements of the office and that she has listed a number of achievements there, but I should put on record that there are a number of problems in relation to the office and the very difficult task it undertakes. I hope to offer a few possible solutions to some of them. From time to time, there do seem to be some significant problems, too. It may not be just the office; it may well be the legislation and other things the government can do to help not only consumers but also the office itself.

Ms MacDonald mentioned 20 pieces of legislation, the consumer advice provided and some good things that were done there. She talked about the Canberra show. I might mention one problem. It is something the Chief Minister's office would be well aware of because one of his staff members was very helpful in relation to it. It goes back a couple of years. There was a problem with local engineering inventors who had invented some magnificent things which had been demonstrated at a lot of country shows around Canberra, but there were some incredibly bureaucratic problems with them doing it at our show. The problem did involve the office. I do not think that was satisfactorily resolved, despite the very best efforts of the Chief Minister's office in terms of that matter. I think there were some overly bureaucratic issues in relation to that.

Just the other day, on Monday, I heard of some ongoing problems in relation to the Waldorf hotel, the complex over the road from here, which has a number of apartments on the southern side which back onto the area just before ActewAGL where there is, I understand, a nightclub called Toast. This goes back a fair while. There is a list of complaints, especially relating to Thursday, Friday and Saturday nights, in relation to this particular establishment, which often does not get rid of its people till about 5.00 or 6.00 in the morning. The complaints involve verbal abuse, guests being woken up and, occasionally, when guests have complained, their being abused. In one instance recently they had a milk crate thrown at them. The guest rooms are probably only about 15 to 20 metres away from the front door of this establishment and overlook it.

The Waldorf, which I think is a \$50 million enterprise employing 150 people and which is very important for Canberra, has complained on numerous occasions to the office and to other government instrumentalities. Effectively, all that has occurred so far has been that the chairs outside have been taken inside. It appears, for whatever reason, the office is unable or unwilling to take adequate steps there.

I would commend that particular problem to the government to look at. The suggestion was that, if that establishment finished trading at about 11.00 pm, it would be fine—and it would be very simple—because that is basically when the guests go to sleep. The hotel has offered a number of guests a complete refund because of the problems that they complained to management about. Management cannot do much about it because they do not have control over the establishment 15 or 20 metres away. I think it is rather strange that an establishment like that was allowed to be set up in the first place. Clearly there are several government agencies involved, but the Office of Fair Trading has been contacted on numerous occasions. I certainly commend to them and the government a look into that problem.

There is one other vexed problem that I will mention. This is of great concern to the liquor industry generally, to the various members of the Australian Hotels Association—the hotels and night establishments around here—and to the clubs association. It is a difficult task. I have known people like Ed Stachow, who recently left the office to go elsewhere, for many years. He did a wonderful job. He had been a liquor inspector since probably its inception. I did a number of prosecutions for him. There are some significant issues that I will commend to the government in terms of perhaps some possible solutions they might like to look at.

I held a liquor forum last May. One of the biggest problems expressed related to liquor licensing. Everyone felt that, really, liquor licensing would be better coming under police control. I will elaborate on that later because I think that that is something the government needs to look at. I do not have a completely fixed view one way or the other, but some fairly powerful points were made.

The attendees felt that, in their dealings with liquor licensing and the Office of Fair Trading, it was like an us-and-them situation and they were made to feel as if they were criminals. They gave me a couple of specific examples as to problems they had encountered. I can understand their point of view. One related to a problem near the RSL club in Civic. Some liquor licensing people turned up there. There was a restaurant party going on next door and people had spilled out onto the footpath; they were making

a lot of noise and they were apparently annoying passers by. The liquor licensing inspectors did not seem to worry too much about that or check any IDs and continued to allow alcohol to be consumed on the footpath, which apparently is illegal.

However, they went into the RSL club next door and checked licences and things there. Nothing was actually happening in the RSL club. There were no complaints in relation to it. It was just carrying on its business. The inspectors seemed, for some reason, to be completely reluctant to attend to the obvious problem outside this restaurant where a private party was going on.

Another incident was mentioned in relation to Manuka, where a proprietor got into trouble because people were drinking outside a licensed area. It was not on his premises and it was not his problem, but he received a warning letter. The people who were offending, of course, were not questioned.

I have a list of establishments which were prosecuted and convicted for various offences—15 of them—for the period 2003-04. I have no problem with any of that. I think I got a similar response in relation to a number of persons, like underage drinkers, who were prosecuted and convicted, warned or whatever, and it was somewhat less than that.

These licensed establishments do not want people to be doing the wrong thing, they do not want shonky businesses giving them a bad name, so they are all in favour of businesses that are doing the wrong thing being prosecuted, but they very much want to see as well that people who are irresponsible, people who, for example, might be underage and go into a drinking establishment, people who are abusive, people who are drunk, also held responsible for their own actions.

I understand the government is considering legislating for a number of on-the-spot fines in relation to the industry. I would suggest to them that not only should they be for things like occupancy levels or serving intoxicated persons; let us have some, too, for the persons who actually cause the problem; let us not let them get off scot-free in terms of not being responsible for their own totally irresponsible and indeed illegal actions. It does have to cut both ways.

One of the big problems that have been expressed to me by the liquor industry is why the agency seems to think the police can do a better job. It is an obvious problem and it might have a lot to do with why the inspectors might be reluctant to interfere with a bunch of rowdy drunks who are causing trouble and abusing them, why they might be reluctant to go in and question people who are actually causing trouble in an establishment and why it is a lot easier to go and ping the doorman, the manager of the establishment or someone else, because you are not going to have the same risk of getting your head punched in, as occurs if perhaps you do intervene.

It is a problem and I have talked to people who have been involved in liquor licensing in relation to it. They are civilians; they are public servants; they are not police. It is probably, as much as anything, unreasonable to expect them to put their safety in danger in those sorts of situations. The theory is that, in a situation like that, they are meant to go in with the police, but we have had police do the liquor licensing in the territory in the past. They seem to develop a very good rapport with the various proprietors and, of

course, they have the power, the ability, the training and the skills to take appropriate action should they come across abusive, aggressive, obnoxious drunks or other trouble in these establishments.

It was unanimous, from the various industry representatives at this forum, that the police should take over that particular task. Some of the people who have been licensing inspectors might not necessarily disagree with that. I do not have a completely fixed view on that. I hear what they say. I would commend that to the government just to have a look at, because there are some very real safety issues. I suppose these days you would call them very real occupational health and safety issues in relation to the people who are liquor inspectors and who, from time to time, will find themselves in situations like that. Really, there is an unsatisfactory element in relation to that, which clearly is annoying the industry. I think that is an important issue. Of course, we do not, unfortunately, have too many police in the territory, and that might be a problem itself. But I commend that to Ms MacDonald and her government.

Finally, another complaint was that people in the industry do not see the inspectors unless there is some problem. The ones in the industry in the past said the police often would just turn up, have a chat and see how things were going. I would encourage at least the liquor licensing people to turn up, just have a chat, make contact with people in the industry—not because there might be some problem but just to see how things are going, see if there is anything they can do to assist. I think that would help establish a better rapport. That in itself might help alleviate a few of the problems expressed to me by hotel owners, entertainment venues and indeed the clubs.

As someone who has had a lot to do with the office, yes, I can certainly say that it has done some excellent things, but I have a number of complaints. I have put those on the record. I commend the government to take some action to alleviate those concerns. I think you would be helping the Office of Fair Trading as much as you would be helping the people in the industry.

*At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly was put.*

## **Adjournment**

### **Health—radiation oncology**

**MR SMYTH** (Brindabella—Leader of the Opposition) (6.00): Mr Deputy Speaker, on Thursday, 17 March 2005, after question time, Mr Corbell gave some further information relating to the booking system for radio therapy treatment. This information contradicted what he had told the house on Tuesday, 15 March. On Tuesday, full of zeal and self-praise for the wonderful job being done in radio oncology, the minister told us:

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, which will mean that the planning of radiotherapy treatments can occur more quickly. That will mean that more treatments can be provided within the same timeframe.



In response to a supplementary from Mr Mulcahy, asking when the funding was allocated, Mr Corbell replied:

I think that the funds were appropriated before you became a member of the Assembly, Mr Mulcahy.

We have on Tuesday, 15 March a booking system that is an old one, and that the ACT government, using funds provided before November 2004, is going to provide a new system. On Wednesday, 16 March and Thursday, 17 March, Mr Corbell was full of information and good cheer about the new booking system, as he was on the Tuesday of that week, but he was uncharacteristically tight lipped when I asked the follow-up question on the topic.

On Thursday, 17 March, after question time, and thus safe from the pesky questions that may have been asked, the minister told us that the government was upgrading, not replacing, the planning system; not only that, but the funds were not appropriated, no. Now, suddenly, the funds, some \$300,000, have come from the commonwealth. We have gone from replacing an old system with a new one, using government money from pre-2004, to upgrading the current system, which was installed in late 2001, by using a commonwealth grant.

Mr Deputy Speaker, I suspect we have been through this before. This is the sort of changing story that got the minister censured last year for wilfully and persistently misleading the Assembly. I also point out, because this is a point overlooked, that Mr Corbell only survived that no-confidence motion after begging Kerrie Tucker to spare his political life and giving a grovelling apology to the Assembly.

So a warning to Mr Corbell: if he persists with making things up, whether they be quotes from *Hansard* or the phantom replacement of the radiotherapy planning system, he will be brought to account.

**Mr Corbell:** On a point of order, Mr Deputy Speaker: Mr Smyth knows that is highly unparliamentary. He has suggested that I have lied to the Assembly and that I am making things up. That is an improper imputation, and he should be asked to withdraw it.

**MR DEPUTY SPEAKER:** Mr Smyth I will ask you, if you think you might have impugned the minister, if you might like to consider withdrawing that.

**MR SMYTH:** Mr Speaker, I withdraw the imputation. But Mr Corbell can start fixing things up by coming down here tonight and telling us the true story of the planning system. I will make it easy for him, because this is what happened: in December 2001, the government appropriated—

**Ms MacDonald:** On a point of order, Mr Deputy Speaker: I think Mr Smyth once again impugned Mr Corbell's reputation. In the last sentence he made the comment that he continued to make things up. That clearly impugns Mr Corbell and is stating that he is not telling the truth.

**MR DEPUTY SPEAKER:** Ms MacDonald, I don't recall those words exactly.

**MR SMYTH:** No, I didn't say anything.

**Mr Corbell:** On the point of order, Mr Deputy Speaker: Mr Smyth clearly said that I was making things up.

**MR SMYTH:** No I did not. You should listen closely.

**Mr Corbell:** And that I needed to stop doing that and he was going to suggest to me how I do that. That is, again, an improper imputation. He is indicating in his comments that I am in some way making things up; therefore, I am misleading and lying to this place. He knows that is an improper imputation. He knows he cannot do that, but he continually does that in this place. You should ask him again to withdraw that imputation.

**MR DEPUTY SPEAKER:** Mr Corbell, I did not hear those words spoken. I will check that later. At this point I do not agree that a point of order has been raised.

**MR SMYTH:** Mr Deputy Speaker, this is what happened: in December 2001, the government appropriated money, some \$2.75 million, for assorted radiotherapy equipment. This included not one but two multileaf collimators, a CT simulator and new planning software. In July 2002, estimates was told that the new equipment was installed, and:

We now have a planning system that is one of the best you can get.

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

### ***Youth Evolution Art***

**MS PORTER** (Ginninderra) (6.05): I would like to bring to members' attention an art exhibition, *Youth Evolution Art*, that I had the pleasure of launching this afternoon at the Belconnen Community Art Space. This exhibition is the result of the work of three groups of young people, two young women's groups and one young men's group. The young women have been involved in producing a photomontage and zines, mini magazines, an example of which I have here. The young men created wonderful, individually wood-crafted graffiti with Tongan and Samoan influences. These young people did not only learn about how to create their works of art, they also learned about relationships, communication, body image and how to have input into the decision making of the groups.

The groups are conducted by U-turn. U-turn is the initiative of the Belconnen Community Service and is funded by the ACT government. The groups are conducted in the Belconnen Town Centre and West Belconnen. It is projected that these areas will have a greater increase in numbers of young people per head of population than other areas of the ACT in the near future. It is the young people themselves who have chosen the type of activity that they want to be engaged in, and the community and the government have responded.

I had the pleasure of listening to several of the young people this afternoon as they told us about how much they enjoyed creating their art and how much they value the program and the friends they have made through it.

The launching of this exhibition is an early event prior to the commencement of Youth Week this Friday. Youth Week, you will note, follows neatly on the end of Seniors Week and can give members an opportunity for a change of pace and perspective. In fact, as one of the tutors of the young men's group was a senior himself, this is a fine example of the generations working together.

I would urge members to visit the Belconnen Art Space and see the wonderful exhibition for themselves. I congratulate all involved in putting this exhibition together.

### **World rally championship**

**MR STEFANIAK** (Ginninderra) (6.07): Mr Deputy Speaker, I raise for the government's consideration a matter that needs to be looked at pretty urgently. I received a letter from a Kate Murray—as no doubt other members have—in relation to the world rally championship. She said:

As I hope you are aware, the ACT has a unique opportunity to gain a World Rally Championship ... round, namely, Rally Australia. As a long standing rally official and resident in Canberra I am urging you to support a bid to win the rights to this event.

Gaining an event of this nature would put Canberra on the map around the world. Canberra has a unique geographic layout, making it an ideal city for this event to call home. The operating structure already exists, in a smaller form. The team that ran the Asia Pacific Championship ... round are more than capable to operate this event, with your support.

I understand it is a large financial outlay, but looking at the figure from Perth, the money is made back well and truly. We need to look at the long-term benefits. This event will get more support if it is relocated to the eastern side of Australia, people will travel from Queensland, Victoria, South Australia, Tasmania and New South Wales to follow this event.

If we miss this boat, we may lose out altogether. There is a deal in place with the Confederation of Australian Motorsport ... that if Western Australia gives up the right to the WRC round, they have the ability to take the APRC round from Canberra. We will be left without any event. This will have a negative effect on the morale of residents, the tourism economy, and the reputation of the ACT Government.

I urge you to support this opportunity and to act now. A submission has to be put in to CAMS by 12 April 2005. And the Australian Capital Territory Tourism Corporation and the rallying community need your support.

Please don't let the ACT lose out completely.

I would ask the government to have a good, serious and very quick look at that. I understand these events are often expensive to run, but there may well be a great

opportunity for the territory here. Obviously, if this lady is correct, something needs to be done very quickly, now being 6 April. I think the government needs to have a quick look and just see in fact if it is feasible and sensible to run this rally here. It could well be a very significant benefit to the territory.

People in the territory have obviously been concerned for some time. We do not have a dragway anymore. We also have lost the V8s. This may well be a very good event. I do not know sufficient about it to say, “Yes, this is brilliant, this is an absolute must.” But the government obviously should be able to do that and do that fairly quickly. It may well be an excellent event that we can get. I urge the government to have a look at that and, if it is a very good event, do what is necessary.

## Schools

**DR FOSKEY** (Molonglo) (6.09): I want to refer to two articles from yesterday’s and today’s *Sydney Morning Herald*. I see it as one of my duties in the Assembly to bring to the attention of the Assembly things going on in the broader world related to things that the Greens are interested in. That was said with tongue in cheek, for those who did not recognise it.

The first article appears in today’s paper and is titled “Uni easier if the old school tie is public.” This is of great interest and is something that perhaps should be broadcast more widely to people who scrimp and save, believing that sending their children to a selective high school or a private school will advantage them in later life. The article states:

A study of 12,500 first-year students from Melbourne’s Monash University found that students from comprehensive—

read “ordinary high”—

schools outshone those from government selective, independent and Catholic schools.

The study supports findings of similar studies from Western Australia and Britain and, according to its co-author, Ian Dobson, had implications for the “under-funding” of public schools and private and selective schools’ claims to offer an extra-value education.

Dr Dobson said private students have an advantage come exam time because of the resources “devoted to their education at secondary school, but this advantage evaporates at university.

“Once on a level playing field, students from non-selective government schools tend to do better,” he wrote ...

That is of extreme interest because an awful lot of people do believe, in this current climate where private schools are being funded so well at the federal level in particular, that they are doing their children a favour and investing in their later life by sending them to private schools. I hope the results of that survey become more broadly known.

In yesterday's *Sydney Morning Herald*, there is an article about a system of schools in the United States called the Met. This system was begun because people like me, who have been around education since the 1970s, recognise so much of this. It is amazing; it is as though the wheel has been reinvented. I like to think the wheel has been running ever since we first understood that the way students learn varies between them. The article states:

Three decades ago school teacher Dennis Littky took himself off to a cabin in the forest of New Hampshire in the US north-east. There, he chopped wood and pondered his great passion: the future of education.

As far as Littky was concerned, secondary education was in a state of meltdown. ... bored, disaffected students who failed to reach ... their true potential. The big question ... was what could be done ...

Littky pondered this matter and became headmaster of a run-down high school in a nearby town. There he put his theories into practice. The article continues:

The school he'd taken over had a terrible academic record and a history of disciplinary problems. Littky cut class sizes, abandoned the syllabus, threw away textbooks and asked the students to write their set of rules. Parents and the community were appalled, and banded together to try to get him fired.

However, he hung onto his job. The result was that the dropout rate at his high school fell from 10 to one per cent and the number of students applying for university had shot up from 10 to 55 per cent. Littky was voted school principal of the year.

The article goes on to say that that was only the start; there are now a series of these sorts of schools all over America. The Dutch government has actually sent some school principals to have a look at them to see what they can learn.

Mr Deputy Speaker, why am I bringing this to your attention? How interesting! In the ACT a number of years ago, there was, in fact, the model of this kind of school. It was called the School Without Walls and it was set up to serve exactly these kinds of students who were not prospering in the ordinary, conventional high school system. That school was closed, and now functions that are a little similar to what it did occur within the walls of Dickson College. However, I would argue that the fundamental nature of that school has been changed.

I also want to end off with a sad little piece. Who funds these schools in the US? Mr Bill Gates, the founder of Microsoft, was so impressed that he donated \$52 million to help set up 70 more Met schools.

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

## **Refugees**

**MR GENTLEMAN (Brindabella) (6.14):** Last Sunday, I attended an important event in Canberra: the launch by Mr Hargreaves of a book recently published by local publishers, Ginninderra Press. The launch by the minister was held in conjunction with the public

forum to discuss the topic of migrants and refugees and the launch of two other books on the same subject.

The launch took place at the Bogong Theatre at Gorman House, with guest speakers Rochelle Ball, Domenic Mico and Steve Tolbert. I must say it was heart warming to hear Minister Hargreaves recount his younger days in a Nissan hut at a migration camp, but he was pleased to advise that there was no barbed wire there.

Steve Tolbert's new book *Dreaming Australia* tells the story of a 14-year-old Afghani girl, Soraya, who flees Taliban rule to seek asylum in Australia. She was detained at the now closed Woomera Detention Centre, and the story details her experiences there. I was particularly affected by the discussion from the author of the relationships formed between the guards of the detention centre and the inmates.

As a serving officer of the Australian Protective Service, I worked at the Port Hedland Detention Centre and similarly witnessed and experienced strong bonds that form between guards and inmates in such a remote location. The experience was a trying one, witnessing the incarceration of innocent people, including children of Soraya's age and younger, and the impact that this has on many already traumatised asylum seekers in the Australian detention system. I must say that I did my very best to ensure that their time was at least as comfortable as I could make it.

*Worlds Turned Upside Down*, by Rochelle Ball, details the experiences of migrant children in the Canberra community. This is an important contribution to debate in our community and a timely reminder to us that the experiences of migrants and refugees include those in our own community. It is important that we, as a community, have an appreciation—and attempt to gain an understanding—of the experiences of migrants making a home and a life in our community, in order to support them in this difficult transition, as Mr Hargreaves described.

For refugees living in our community, this is amplified as they struggle to come to terms with their experiences from their country of origin. For those families now living on temporary protection visas, it is important that we, as a community, work to support them and to make them welcome in the Canberra community.

This is particularly identified by the third Ginninderra Press publication launched on Sunday, Tamara Jermolajew's *It Can't Be Forever*. The story of a Yugoslav migrant working to provide for her young family emphasises the importance of the provision of essential services to migrants and refugees. In particular, language is a barrier to community participation and inclusion. It is also vital that we, as a community, ensure the provision of English language classes to migrants and refugees to facilitate their settlement and engagement in our community. This has been achieved in the ACT in relation to TPV holders, with the ACT government providing free English classes through CIT. It is an example of the very real ways we can facilitate the welcoming of newcomers to our community.

The launch on Sunday provided a fantastic exhibition of the work of local publisher Ginninderra Press in publishing the work of Canberrans and those from the surrounding region. This contribution, in the form of allowing the hearing of voices and the enlivening of debate in our community, is a valuable one. As I have discussed, the issues

brought to the fore by these newly released books are continuing, important issues for our community to consider and engage with.

The contribution of the speakers in the public forum was particularly valuable and provided some fantastic and, at times, confronting views of the lives of migrants and refugees living and seeking to live in Australia. Condemnation of the federal government's policy of mandatory detention was repeatedly voiced, and with good reason.

The experiences detailed in these newly released books are very confronting and expose the reality of the asylum seeker processes in operation in Australia today. I consider that there is an onus on all of us to speak out against these policies and to work for their radical overhaul to ensure a humane, considerate and welcoming environment in Australia and in Canberra for migrants and refugees.

Minister Hargreaves made a point on Sunday—and I agree with him—that we should be talking about these issues to our families and friends, and in our workplaces and unions, to raise awareness and to mobilise broad opposition to the policy of mandatory detention. This is a responsibility of all of us.

### **Statement in Legislative Assembly Work and family balance**

**MRS BURKE** (Molonglo) (6.19): Mr Deputy Speaker, I wish to offer an apology in this place right now to Dr Foskey and her staff in regard to a statement I made today in relation to poor communication regarding the legislation she tabled today. I have to now stand up and say that this was incorrect on my part. Accordingly, I do apologise for any offence I may have caused her and her staff as a result of my comments.

I would also like to refer very quickly to an interesting article that many may have seen in the *Canberra Times*—I am sure the Minister for Women would have seen this—“Why women need to take control of their futures”. I guess the interesting thing that drew my attention was the fact that this article is by Amy Haddad who is a member of the ACT Ministerial Advisory Council on Women. She commended the Chief Minister, as she says, “for adding his weight to the issue of work and family balance”.

I was further interested by Ms Haddad's comments that she was pleased to see the Chief Minister's call, as the Chief Minister, for the Council of Australian Governments to have a summit on the subject of work and family balance and his request that men be included in the discussion. I was very pleased that Ms Haddad had brought that out. In fact, I was even thinking to myself, “Well, obviously the Chief Minister saw merit in and adopted my alternative view in the debate that we have had recently in this place on gender-based violence,” as members may recall. That was on 16 February 2005. I certainly look forward to more of a balance in this whole debate about men and women and work and family.

I think Ms Haddad makes some really valid points. She talks about equal sharing of the care of children, particularly when marriages break up. We see the heartache that is caused through the Family Court system by men perhaps not able to have that share of their children, for whatever reason. I also wonder about her comment:

It is well acknowledged that divorce has a negative economic impact on both men and women, but the impact on women is greater and women taken longer to recover, particularly if they have children.

Again, for the reasons I have just said about the Family Court, I think we have to look at the suicide impact that this has on men. Men do not often recover at all; they simply give up because they do not talk things through, like women.

Many members may have seen the photograph circulated “Save the males”. I am sure Mr Gentleman and possibly the Minister for Women would be aware of that picture. It is a very graphic photograph. It is a body, supposedly dying on a beach like a beached whale. So it really portrays some of that. We need to make sure that men are involved in the debate. I know that Mr Gentleman speaks out well and very eloquently about the affairs and issues of women; so I think that you and I, Mr Gentleman, may have a balance here in this place. While we have to fight for the rights of women, this is really important. I think a balanced view is really important.

I finish by quoting Ms Haddad’s final sentence:

Most of all, we must challenge the assumption that achieving work and family balance is a women’s issue, and give our boys a sense of responsibility and expectation in the direct care of their children, and give our girls the tools, confidence and opportunity to create their own security.

### **Vocational education and training Children, youth and family support**

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.22): I want to respond to some comments made by Mrs Dunne yesterday, to begin with, around vocational education and training. Mrs Dunne said that, because state Labor governments had not signed up to the commonwealth/state training agreement, what was known as the ANTA agreement, the result has cost this budget, the budget of the ACT, \$4 million over the life of the agreement; so here we are appropriating money that we could have found from another source.

That is not factually correct. The ACT’s funding from the commonwealth/state training agreement was not reduced by millions of dollars. At the end of 2003, the commonwealth withheld \$340,000 that was to be used by this government to provide extra training places for people of the territory. Instead of giving the government the funding, DEST went to a tender round. The outcome of this tender resulted in the same number of places, 130, being allocated to ACT residents.

This government has provided extra funds to support vocational education training—an increase of \$2 million in the last budget and a further \$3.1 million in the second appropriation bill. This funding is not to make up for any DEST shortfall; it is to fund the growth in new apprenticeships, reflecting our commitment to addressing skill shortages.

In the negotiations for the new funding agreement, this government will be seeking matching funding from the commonwealth to ensure the best training outcomes for ACT



residents. Members should be aware that state and territory training ministers received a letter from the commonwealth last week outlining the revised three-year funding offer, but we are still awaiting the final detail.

State and territory ministers will meet with the commonwealth minister next Friday, 15 April, and I can assure Mrs Dunne and ACT residents that the government will be actively seeking more dollars in the recurrent part of the agreement or a guaranteed access to the savings that are going to be salvaged from the demise of ANTA.

Mrs Dunne also made this comment, in the area of children, youth and family support, about answers during estimates:

... no-one, the minister or the department, could definitively say whether they had actually got to the bottom of the cost pressures in the Office for Children, Youth and Family Support.

After hearing that, I went back to check the transcript of proceedings and I found out that Mrs Dunne had not asked that question. She had asked a range of other questions—a total of 10 questions—all of which were answered. If she had asked me the question about whether we could definitively say that we have got to the bottom of the cost pressures, my answer would have been no, because the cost pressures that we are seeing are demand based and I do not think that it is appropriate to say that we have a full understanding of where those cost pressures may be—and we would not, certainly in the next year—and, rather than turn away children or not have the funds to deal with them, I will continually come back to seek money in a responsible fashion, through additional appropriations, if it is so required.

### **Marist College**

**MR MULCAHY** (Molonglo) (6.26): I wanted to mention to the house today that on Monday afternoon I had the pleasure, along with Senator Humphries and the Leader of the Opposition, Brendan Smyth, of attending the blessing and official opening of the resource centre at the Marist College located in Pearce, Canberra. This is a school at which I have had children; I have been a parent there. Mr Smyth is a well recognised former scholar. Indeed, his photo is in the hall of fame, as I saw on Monday, on his election as member for Canberra. It is obviously a fine institution.

Marist College comprises both junior and senior schools, providing education for boys in years 4 to 12, with a total of almost 1,700 students. Whilst it is important to note that the climate, tone and spirit of the school are far more important than any of its physical aspects, it is also true that it is difficult to implement any curriculum without the buildings, equipment and resources. Marist is fortunate in having facilities that are second to none, recently enhanced and equipped with the addition of the new resource centre.

Since the opening of Marist College in 1968, the school has experienced a steady and sustained enrolment growth and consequent growth in plant and facilities. I think it is worth noting that the changing nature of education, relating both to the facilities required and the options available, called for the planning of a new building at the school.

The resource centre was completed in October 2004. On three levels, it incorporates an outstanding library, a staff common room, a commercial kitchen for hospitality students and a covered space at ground level. In conjunction with innovative state-of-the-art technology, it provides a space for investigation, exploration and the opportunity for self-learning in pleasant, comfortable surroundings. An extensive report published in the *Canberra Times* today says:

To an economic rationalist, a school is just a production line that takes in young people, works on them for a while and then turns them back out into society in the hope that they will be useful and productive economic units. To a social theorist, a school is a living organism in which all parts work together to produce a thriving entity

Clearly, this is the case with Marist College. It has many elements of both, but I would like to focus on the excellent education and Christian culture of the school. I personally enjoyed and observed the excellent standard of these through the enrolment and inclusion in primary and secondary education of my two sons, James and Luke, at the college.

It has a strong commitment towards contributing to the community. The boys there are encouraged to support worthy causes. It has an outstanding sporting profile and it is certainly a leader amongst educators in the ACT. It was recently chosen as one of nine schools in Australia that participated in a Microsoft lighthouse program to provide leadership and guidance to other schools in their locality and is deserving of recognition.

Marist not only provides excellent educational opportunities for students but it also has a duty of care and ensures that it instils in all students the values of Christian teaching. And these days, Christian values are not so readily available to members of the younger generation. I commend the role that that school has played in encouraging and supporting these traditional values. These values are embedded in students' lives. I think that the Canberra community, as a whole, is a beneficiary.

I would like, therefore, Mr Deputy Speaker, to place on record my personal congratulations and, I know, those of many members of the opposition on the school's new facilities and the important work it does on behalf of the Canberra community.

**MR DEPUTY SPEAKER:** It being 6.30 pm, in accordance with standing order 34, the Assembly stands adjourned until tomorrow at 10.30 am.

**The Assembly adjourned at 6.30 pm.**