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LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

22 JUNE

2005

Wednesday, 22 June 2005

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

Sentencing and Corrections Reform Amendment Bill 2005

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

Title read by Clerk.

MR STEFANIAK (Ginninderra) (10.31): Mr Speaker, I move:

> That this bill be agreed to in principle.

This bill, together with amendments which are being handed out now to the government's Crime Sentencing Bill 2005, form a package which, if this Assembly adopted it, would largely bring us into line with our interstate neighbour New South Wales and, I would suggest, most other states in the Commonwealth of Australia. It is specifically important, I think, that we are brought into line with New South Wales.

The community often bemoans incompatibilities between sentences, often within the same jurisdiction, and certainly between jurisdictions as well. Crime does not know any boundaries and it is ludicrous that a criminal convicted of robbery in Queanbeyan can expect to receive a higher sentence there than if they walked across the border and committed a robbery in Fyshwick. There is a real need for consistency, not only within the ACT, but also between the ACT and New South Wales and other jurisdictions. This bill will go a long way to ensuring that. It actually does a number of things but, as much as anything, it imposes a rigor and an accountability on the way courts would have to approach this most important topic.

There are two and half things I would say that concern the community when it comes to crime and criminal matters. Firstly, do the police have the numbers, the ability, to actually get there and do their job of apprehending criminals or, indeed, have that presence that is often essential in deterring crime? Sadly, in the ACT at present, we have very low police numbers and a government unable or unwilling to act to address that situation.

At the end of the day, even if you have a police force that is bursting at the seams with numbers, it is equally frustrating to the community if people who commit especially serious crimes either are let off on technicalities along the way, although that often seems to be less of a concern to the community, or walk free as a result of inadequate or too weak sentences. We have seen that all too often and it is something that certainly concerns the community.

The *Canberra Times* in September 2003 did an opinion poll in relation to persons' attitudes towards sentencing for serious offences involving violence. It was interesting that 83 per cent thought our courts were far too lenient when it came to sentencing

persons for serious acts of violence. Twelve per cent thought they were probably too lenient and 5 per cent thought they were right. That is pretty indicting. That is 95 per cent of the community. I think it is important that our courts reflect proper community values and it is important that we, as legislators, give them the tools, too, and the guidelines, if need be, to do that job.

This bill and these amendments are hardly about mandatory sentencing. There is always going to be the odd crime that causes problems for that particular approach. Courts need discretions, but they need guidelines. This bill and these amendments provide just that. They are based on recent innovations the Carr Labor government have introduced, and introduced quite successfully, in New South Wales. Everyone should have the amendments now.

Basically the bill and the amendments fall into a number of parts. Before I go to the actual bill and the amendments, I note that this will be another sentencing bill before the Assembly. The amendments relate to the government's Crime Sentencing Bill 2005. So we have three documents here that relate pretty much to same thing. My committee, the legal affairs committee, is actually looking at the question of sentencing in the ACT and I would be very happy if my bill, the amendments I have tabled to the government's Crime Sentencing Bill and the Crime Sentencing Bill currently before the Assembly go to the committee. I think that would be a very positive step. I am sure we could look at it in a reasonably short period of time.

The problem with the government's sentencing bill is that it consolidates about 12 different acts into one. It does not really advance the issues in terms of community expectations. It picks up problems in the way courts sentence for serious offences. It adds only a couple of new sections in relation to corrections. It misses out on a couple of things there, too, which are covered by my bill and my amendments as well in relation to areas the government has not addressed.

Fundamentally, my bill and the amendments are divided into four specific areas. The first is maximum penalties. These are hardly the be-all or end-all, but it is important to be consistent. I think people are much more concerned about how long a criminal who commits a serious offence actually spends in jail than what they get on top as a maximum. But it is important, I think, to have a wide range of penalties available for serious offences, and it is certainly important to bring us into line with New South Wales.

For the offence of pack rape, that is, rape in the first degree in company causing physical harm to a victim, at present in the ACT the maximum available to the court is only 20 years. That would rise to life to bring us into line with New South Wales. The significant penalties handed down in recent times in New South Wales have had a significant effect on that crime. According to police in New South Wales, after Justice Finnane's landmark sentences, the incidence of rape in Sydney dropped by some 75 per cent in the following 12 months.

Manslaughter would increase to 25 years, and I think even the government concedes that that is something it wants to do. It did that initially with its industrial relations legislation and we actually dropped the penalty back to be consistent with the Crimes Act. So I would imagine even the government should not have a problem with that. Wounding,

which is at present only five years, would rise to 15. Culpable driving would increase from seven years to 14 years, again to bring it into line with New South Wales. Abduction of a young person would increase from five to 10 years. False accounting, a corporate crime, would rise from seven to 10 years. There are about 40 instances here in this particular bill where the maximum penalty currently available in the ACT is far lower than in New South Wales. This bill would raise them to the New South Wales level, or approximately to that level.

There is concern about people setting traps. In a previous bill we debated amendments to section 28 of the Crimes Act and people setting traps. On reflection, we left that out of this bill. Section 28 will remains as is, although the penalties for the four offences within section 28 at five years are too low, so we have suggested in this bill that they be raised to 10 years. I note that was a concern the government had last time and we have left that out of this package.

In respect of standard non-parole periods, the bill duplicates the New South Wales legislation to a very large extent. It would see a standard non-parole period, that is, the time the criminal actually spends in jail, introduced for a number of serious offences. If members have a look at New South Wales, they will find a few more serious offences, but the main ones are covered here and are compatible with what New South Wales has done.

What this means is the court must use these standard periods when setting a non-parole period, unless, and this is where the court has a discretion, and a significant one, there are mitigating or aggravating circumstances in the case that justify a court deviating from the standard non-parole period. Standard non-parole periods, as they apply in New South Wales, are as follows, and they are in the amendments: murder, 25 years for a special category where someone deliberately goes out and kills a person because of their occupation, such as a teacher, a police officer, a nurse, a judicial officer, an emergency services worker or a community worker. In any other case the standard non-parole period is 20 years. Remember, there can be mitigating and aggravating circumstances but, as a standard, 20 years.

It is interesting when you look around the country, for example, in New South Wales, that this standard has pretty well been adopted and the High Court of Australia has accepted these particular non-parole periods. In the ACT you are looking at about 12 or 13 years for a non-parole period. That is way out of kilter now with New South Wales and, I would suggest, the rest of the country. I do not think it reflects the gravity of such a crime.

The bill provides for a standard non-parole period for attempted murder of 10 years. For rape in the first degree, which is a gang rape, the standard non-parole period will be 15 years; for intentionally inflicting grievous bodily harm, five years; for aggravated armed robbery, that is, where someone actually gets injured, seven years; for aggravated burglary where serious injury is caused to a person, seven years; for carjacking, which is a new offence in the bill, two years, or, if committed in aggravating circumstances, again where someone is injured, five years and for the repeat offence of burglary if an offender has been convicted of burglary offences in the previous five years, one year.

There are three categories of supplying significant quantities of very harmful illegal drugs, such as heroin or amphetamines. For supply of more than 50 times a traffickable quantity, 15 years; for supply of at least 30 but less than 50 times a traffickable quantity, 10 years; and for supply of at least 20 but less than 30 times a traffickable quantity, five years. Those recommended standard non-parole periods would very much bring us into line with New South Wales.

For a number of years New South Wales has successfully implemented sentencing guidelines. I think this was probably a Carr government initiative. It could have been the previous Fahey government. Certainly it has come into play under Carr, if not in fact introduced by his government. This bill will enable the ACT Court of Appeal to issue sentencing guidelines and guideline sentences for use by the Supreme Court and the Magistrates Court. The Court of Appeal decides, "This is a typical type of case of this serious matter and we will issue a guideline judgment."

The Attorney-General will also be able to request the Court of Appeal to give a guideline judgment. So if the attorney of the day feels that a particular matter warrants a guideline judgment or that a guideline judgment would be useful to the justice system, he can ask the Court of Appeal. The New South Wales attorney has done so on a number of occasions and the Court of Criminal Appeal has complied. This will enable the Court of Appeal to set out the guidelines to be followed for certain types of crimes and to detail what sorts of penalties should be imposed by lower courts for certain types of crimes. It has worked well in New South Wales and has been well accepted by the community, the judiciary and I think, to a large extent, the legal profession.

There is also a fourth area. The Crimes Act contains some impediments to proper sentencing, which we feel are incompatible with the Discrimination Act and other acts and probably now our Human Rights Act. They are removed, as is the provision that requires the court to consider imprisonment as an absolutely last resort. Not all that long ago, about 18 months ago, Magistrate Madden complained about a particularly nasty stalking case. He indicated that, had he not been constrained by the provision, he would have given the person, I think, 16 months. But he felt constrained. There was one other option. He did not think it would work, but he did it. I then invited the current attorney to amend the law. He initially seemed interested and then did not do so. I think Magistrate Somes has made similar comments in the last couple of years in relation to that particular provision. That is something important. We do not need provisions that actually stymie the courts and are not effectively in the interests of justice.

The amendments include some new offences, for example, carjacking. Again, these offences are lifted very much from the New South Wales situation. Carjacking is an aggravated form of taking someone's car. You might be in your car and a gang of people come up and physically wrench you out of it, beat you up and race off with your car. For carjacking, the maximum penalty will be 10 years or, for aggravated carjacking, which is when the person who has the car is injured, it will be 14 years.

For some time now the Australian Federal Police Association has complained that there are inadequate protections for police officers in the ACT when it comes to being assaulted, stalked or harassed. They feel that the current laws are inadequate. They do not feel that they should be treated like blue punching bags. You may recall a great old

magistrate who died not long ago, the late Kevin Dobson, in the '80s often saying; "The police are not here as blue punching bags."

Accordingly, to enable proper protections to be afforded to our police force, there are a number of additional offences: assaulting, stalking and harassing a police officer; obtaining personal information about a police officer and stalking a person associated with a police officer. These additions were requested by the AFPA and were lifted from the New South Wales act. They are sections that the New South Wales police are happy to have. It gives them confidence that they are protected in doing their most important job. It is lacking in the legislation covering members of the AFP, who do an extremely important job for the community and who are deserving of proper protection and recognition from that community.

I present the Sentencing and Corrections Reform Amendment Bill and the amendments to the Crime Sentencing Bill. I recommend that the bills be referred to the Standing Committee on Legal Affairs. I think that may well be a sensible course. I commend the bill and the amendments to the government and the Greens for consideration.

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

Medicare

Debate resumed from 4 May 2005, on motion by **Ms Porter**:

> That this Assembly:
>
> (1) recognises the importance to the ACT community of maintaining accessibility to Medicare funded treatments and services based on objective merit rather than subjective value judgements;
>
> (2) notes the negative implications associated with restricting Medicare subsidisation for In Vitro Fertilisation (IVF) treatments on an arbitrary basis; and
>
> (3) affirms its commitment to accessible and affordable health services for all ACT residents, including the provision of IVF, at the discretion of the individual, in consultation with their medical practitioner.

MR SMYTH (Brindabella—Leader of the Opposition) (10.47): This is the resumption of the debate from 4 May. We got through some of the debate but unfortunately were not able to finish this as we ran out of time. I spoke in this debate on behalf of the opposition and got through most of my speech. I will simply reiterate the three points that Ms Porter puts forward in her motion.

Paragraph (1) states:

> recognises the importance to the ACT community of maintaining accessibility to Medicare funded treatments and services based on objective merit rather than subjective value judgments.

We can happily support this. Indeed, as I have already noted, the adoption of the clinical streaming model, which the health minister seems to be working towards, will allow us to ensure that accessibility to public funded treatments and services will be based on objective clinical merit.

Paragraph (2) states:

> notes the negative implications associated with restricting Medicare subsidisation for In Vitro Fertilisation (IVF) treatments on an arbitrary basis.

We agree that restricting subsidisations for IVF and ART treatments on an arbitrary basis should be opposed. Restricting them on a clinical basis is another matter. If the evidence shows that there should be some restrictions, then that is something that I think we actually should have the courage to consider. But we do not accept that all treatments are sacrosanct and not subject to an objective and clinical assessment of their effectiveness and value to the patient.

Paragraph (3) states

> affirms its commitment to accessible and affordable health services for all ACT residents, including the provision of IVF, at the discretion of the individual, in consultation with their medical practitioner.

The idealist in me would say, of course, that health should be free and everyone should be able to access it to his or her heart's content, la, la, la. Sadly, apart from Mr Quinlan and his accounting techniques, we do not live in la la land. The harsh unpleasant reality is that health costs are rising, and someone has to pay for it. It has to come out of the budget. We pay for health through our taxes, through the Medicare levy and through our own payments. This is an extremely reasonable mix, in our view. If you do not think so, I suggest you go to the USA where a GP consultation will set you back over $200 and health insurance is roughly 20 per cent of salary. Given that there are these constraints and there are competing priorities, I do not see that access to affordable health services is at any risk.

In summary, the opposition fully supports the public funding of access to IVF and ART. The quantum of how much and how often is a debate that needs to be had, informed by solid clinical data. I hope Ms Porter has had time to actually read Mr Corbell's 2003-04 health annual report, in which he talks at some length about clinical streaming. I will read the important paragraphs again:

> The portfolio has begun to move to the clinical streaming of a number of services as part of an increased emphasis on establishing a client-centred health system. Clinical streaming builds on the networking of services, to focus on the provision of services across the care continuum in a number of care settings. Streamed services operate under one management model and cover services from health promotion, early intervention, community health services and outpatient services, through to acute care services.
>
> The partnering of health professionals across a number of settings has provided opportunities to assess the demand and service needs of patients.

> Clinical streams allow clinicians and consumers to participate in the planning, development and improvement of services and to assess the best way to use available resources (human, financial and infrastructure) to meet client needs.

I am sure that when Ms Porter replies, she will support what the minister is saying there.

In summary, the opposition fully supports the public funding of access to IVF and ART. As I said, the quantum of how much and how often is a debate that needs to be informed by solid clinical data. We also commend in passing the government's adoption of the clinical streaming data, which will facilitate the kind of clear-headed debate we need to have on how public health services are funded. Given that there is a further debate to be had, the opposition will not be opposing this motion.

DR FOSKEY (Molonglo) (10.52): The Greens are highly supportive of the availability of Medicare-funded treatments and services to residents of Canberra and Australia as a whole. We also support the right of women to make choices about their lives, such as whether to bear children and the reproductive process. It is critical that government and society support women through these difficult and life-challenging choices.

I am concerned that the proposed changes to IVF subsidisation will save the Australian government only $7 million a year yet will have significant impact on the lives of many women from within the ACT who are unable to bear children due to their or their partner's infertility problems. I am also concerned that, once again, we are faced with the dilemma of ACT citizens only being able to access a life-altering medical procedure if they have the finances.

It is certainly true that IVF has been revolutionary, very successful and has provided many couples with fertility problems with an outcome that before they could never have hoped to achieve. We know that around 30 per cent or so of the current generation of young women will not bear children. There are many reasons for this, mostly related to personal lives and issues around relationships, but while the federal government has indicated its concern about the falling birth rate, it is reducing one of the avenues that is open to women and couples who really do want to have children but cannot.

I believe that we should weigh up the advantages of expensive programs to assist fertility against other health needs. At present, while I believe that we can assist families through support for IVF, we should also take care not to present a picture where maternity is seen as necessary for women's fulfilment. We have many children in our society who would benefit from more adult attention and in a caring society it should not be necessary for women and men to biologically produce children to enjoy their company and provide extra adult support. I note in today's *Canberra Times* an article about the shortage of women and families prepared to be foster carers, and often babies are involved. I do believe that we should take the emphasis from needing to reproduce ourselves to reproducing our society, in a sense, through recognising our responsibility to all.

I support Ms Porter's motion. I hope that the Australian government will not go ahead with cuts to Medicare-subsidised IVF procedures. I should say that this speech was written some time ago and I am not sure about its currency. Should this occur, I believe that women in the Liberal Party will have played a great role in convincing those with

more power than they in their party that they cannot go asking Australian women to have more children without funding the means to do so.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.56) I rise to support the motion moved by Ms Porter. It is estimated that there have been about 60,000 children born in Australian to date as a result of in vitro fertilisation procedures. In a 2002 study of assisted reproductive technology in Australia and New Zealand, the National Perinatal Statistics Unit reported that there were 7,577 pregnancies in the 2002 cohort, resulting in 6,816 live births. The same report suggests that babies born as a result of assisted reproductive technology constitute about two per cent of all births in Australia. The ACT Chief Health Officer estimates there are about 150 IVF births in the ACT annually. This represents a significant number of individuals who would not otherwise have been born and who, in addition to bringing joy to their parents, will grow up to contribute in a variety of ways to the Canberra community.

Access to assisted reproductive technology in the ACT is currently provided through two private providers, Sydney IVF (Canberra) and the Canberra Fertility Centre. ACT Health does not provide IVF services directly. However, the department licences and conducts inspections of health care facilities, including assisted reproductive technology clinics, under the Public Health Act 1997. Equally there are no ACT legislative restrictions on access to ART, unlike the Victorian Infertility Treatment Act, which restricts access to married women and women in heterosexual de facto relationships.

Certain procedures in relation to IVF are currently rebatable through Medicare and some through private health insurance funds. Prior to November 2000 Medicare would only cover the cost of the first six IVF cycles. Currently, though, there is no limitation on the number of cycles. For people without private health insurance, the out of pocket costs, after any applicable Medicare rebates, would be approximately $1,950 to $2,050 per cycle, depending on some of the procedures involved. Variations to treatments, such as intracytoplasmic single sperm injection, embryo freezing and embryo storage all incur additional fees. Currently the costs of some assisted reproductive technology procedures can be included in the MedicarePlus safety net.

People do not embark on ART therapies lightly. In addition to significant costs, which are currently more affordable through Medicare and, in some cases, private health insurance, the procedures themselves are often uncomfortable and difficult. There is also a very real emotional burden, supported by counselling services of assisted reproductive technology providers, in completing the various treatment cycles, sometimes without success.

Australia's birth rates, on top of that, have been declining and national fertility rates are continuing to fall. A range of commonwealth government policies and initiatives has been introduced to address Australia's birth rate. Leading up to the federal budget there were, however, very concerning reports that the commonwealth government was considering changes to the funding of IVF services, and I know that is what prompted Ms Porter initially to move this motion.

Those changes would have limited the number of IVF cycles that receive Medicare benefits to three per year for women aged less than 42 or to just three cycles in total for women over the age of 42. Patients would then have been responsible for all costs after

that. It is fortunate that in the final event no budgetary measures were announced by the commonwealth in relation to restricting access to IVF.

On 10 May, however, the commonwealth Minister for Health and Ageing, Mr Abbott, announced a clinical review of IVF stating that, "The government considers that it is now timely to review the costs and benefits of assisted reproductive technologies for the purposes of public funding under Medicare." The terms of reference for the review and the members of the review panel are yet to be confirmed. Regardless, it is important to know that infertility is regarded as a medical condition, which can be effectively treated by assisted reproductive technology clinical interventions, such as IVF. Any restrictions on access to IVF that cannot be justified on clinical grounds would be discriminatory, and indeed contradictory.

On the one hand, the commonwealth government supports couples having children with the so-called baby bonus. On the other hand, the commonwealth has considered restrictions on affordable access for people who need medical assistance in conceiving, and this was highlighted during the most recent commonwealth budget deliberations.

It is the government's view that any amendments to current Medicare arrangements should only be made on the basis of clinical effectiveness, and hopefully this will be identified by the independent review announced by Minister Abbott. The ACT government remains committed to the recognition of an individual's right to control his or her own body in relation to its reproductive capacity. These are essentially private matters between an individual and his or her physician.

As we have seen in recent comments by the commonwealth Minister for Health and Ageing relating to the termination of pregnancy, this is not the first time in recent months that political ideology threatens to intrude on the rightful choices of individuals in relation to their reproductive health. This motion is an important one because it reaffirms a commitment to accessible and affordable health services, including assisted reproductive technology, and it does so recognising that such matters should be considered in terms of their clinical effectiveness and efficacy and also the importance of an individual's right to be able to choose. I commend the motion to the Assembly.

MS PORTER (Ginninderra) (11.02), in reply: It seems a long time since we began this debate. I realise that it is because the all-consuming estimates proceedings intervened. I thank Dr Foskey and Mr Corbell for their contributions to the debate. I suppose I should not have expected those opposite to treat this debate as seriously as others, given their behaviour during the estimates proceedings, or some of them I should say.

Mr Smyth, in his role as the leader of those across the room, led the way by attempting to make some political mileage instead of engaging in substantive debate on the motion, although I note that he does say that the debate needs to be had. Unlike the federal government, which did not seriously consider women's reproductive health when they crafted their proposal, Mr Corbell and Dr Foskey obviously do take the whole subject of reproductive health for women very seriously.

Mr Abbott and his friends on the hill were not attempting to formulate ways to improve the efficiency of IVF and ART funding arrangements in the lead-up to the federal budget. They were proposing to make an arbitrary decision based on politics, rather than

medical fact. This practice is utterly deplorable. I am glad that an element of common sense prevailed and that, as Mr Corbell just said, the proposal was instead sent to an expert committee.

As I said, a lot has happened since this topic was last debated in this place. I am very pleased to say that the federal government has provisionally backed down on the changes to funding of IVF and ART procedures. Instead they have deferred this investigation of funding to an expert committee. Obviously some saner heads prevailed and hopefully those same people will insist on a backdown on a number of the federal government's regressive proposals while Mr Howard implements his plans to take us back to the 50s—or is it the Dark Ages? I sincerely hope that this expert committee, and I note the word "expert", thoroughly investigates the social and emotional as well as the medical consequences of their subject matter and that a sensible conclusion will be reached based on their expert opinion.

Medicare, upon its inception, had a noble purpose—to provide equitable and efficient access to medical services. Unfortunately the scaling back of its activities through politically motivated moves like the deceptive scrapping of the Medicare safety net has meant that the system has lost much of its impetus. I sincerely hope that the findings of this expert committee indicate that we need a more compassionate approach to health care from our federal government, an approach which I concede must be based on objective merit in both a financial and clinical sense, but one which nonetheless is driven by community need, not political motivation.

I am sure Mr Smyth will join me in this ideal by voting for this motion. I commend the federal shadow minister for health, Ms Julia Gillard, as well as the AMA for the pressure they put on the federal government. As with an increasing proportion of government legislation, the federal Liberal Party was left in the cold without any allies. Thank goodness that this time they came to their senses and listened to the mounting opposition. We can only hope they take the same approach to the ever-increasing pile of unfair legislation emanating from the federal parliament.

I note that Mr Smyth used his response to this motion to make a political point on the medical funding model, which within the ACT health system would provide an efficient and effective way to allocate resources. Mr Smyth, you must understand that this model is based on clinical streaming and is client focused, not political streaming, which is politically focused. I am pleased that Mr Smyth has consistently stated his support for the principles advocated in the motion. I look forward to this motion being passed with his support. I therefore commend the motion to the Assembly.

Motion agreed to.

Funding for the non-government sector

DR FOSKEY (Molonglo) (11.07): I move:

> That this Assembly:
>
> (1) recognises the invaluable contribution to public policy development by the non-government sector in the ACT;

(2) condemns the Federal Government for its recent decision to end funding of the policy advocacy and policy work of peak environment groups around Australia, including the Conservation Council of the South East Region and Canberra; and

(3) affirms its support for the public funding of peak non-government advocacy and policy organisations.

In 1998 the federal government defunded the Australian Youth Policy and Action Coalition, known as AYPAC. It was judged to be too provocative and argumentative, speaking too strongly from the perspective of its constituent groups and not reflecting more broadly the perceived interests of young people. It was replaced by an advisory council of young people selected by the government, who have done their best to take it up to the federal government nonetheless. However, those annoying voices of young people with different ideas were silenced. The point here is that the loss of AYPAC significantly disabled the youth sector's capacity to raise issues facing young people, particularly marginalised young people, and the community organisations that work with them.

While public policy is, in the end, controlled by government—and by some governments more tightly than others—it is through direct advocacy and negotiation on the one hand and through public debate and discussion on the other that people affected by policy can seek to influence it. In that process they raise awareness of important issues and contest popular presumptions that are unfounded or unhelpful. Indeed, they engage in public formulation and negotiation of values and priorities. This maelstrom of ideas is our civil society.

That same process, if perhaps a little less obviously, is now being extended to the broad environment movement. Conservation councils across Australia are the peak policy, advocacy and communication bodies for the myriad of environment and nature conservation groups that have sprung up out of people's care for and involvement in the environment they live in, ranging from friends of grasslands and ornithologists to national parks associations, catchment groups, conservation foundations and solar energy societies. Many government departments benefit from their expertise and their links with grassroots voters.

I went to the Institute of Public Affairs website and downloaded the report to the Prime Minister's Community Business Partnership that was prepared last year by Gary Johns and John Roskam, whose writings I have been following with interest for three or four years as they have struggled with what they call the governance of NGOs. I believe that this protocol has had a great deal of influence on government policy. It is interesting that this influence is being wielded by another NGO, but of course one that is funded with money from business rather than perhaps the government, although no doubt it was paid by the government to do this consultancy.

The report indicates that, from its analysis of government departments, it was able to ascertain five reasons why departments have relationships with NGOs. These are: to provide policy expertise, to deliver programs, to provide practical expertise, to allow for information dissemination, and to allow for transparency. The Department of Agriculture, Fisheries and Forestry went into some detail about the usefulness of consultation with its stakeholders and associated NGOs. Their report reads:

> The main reason for consulting is to get feedback from our clients about our policies, programs and services. The benefits of consultation usually far outweigh the effort involved. Consultation builds trust between the Department and its clients and ensures a better policy or program fit.

Again, I quote from the Johns and Roskam report. It says that we must remember that the ability of NGOs to participate in the policy process is not only provided for in departments' outcome measures, but that in a number of cases it is enshrined in legislation. The Environment Protection and Biodiversity Conservation Act requires the minister to take into account comments from "any person" in specific circumstances.

NGOs also have a specific right contained in the legislation to challenge a decision under the act. NGOs are bodies valued by government departments for their information and expertise. They are significantly more than the sum of their parts, so their capacity to contribute to setting national priorities is substantial. However, the government has decided to pull back from funding the councils to do any of this work, and that is despite the value that its own departments see in consultation with those same bodies.

Liberal senator Garry Humphries stated on ABC radio recently that, "What the government is doing federally is to say that our business is to fund environment activities and heritage activities through this grant program. We are not actually about maintaining organisations to make policy, or to engage in advocacy activities." You will note that this is in direct contrast to the department's own assessments of their dealings with NGOs.

Mr Humphries went on to argue that, "You raise awareness best by actually getting out there and doing things in the environment, not by talking about it, but by actually planting trees, and by getting people to roll up their sleeves and get their hands dirty. That's the real awareness raising exercise you need to engage in." That is a smooth but facile interpretation of the invaluable advocacy and policy work that the Conservation Council of the South East Region and Canberra has been doing for a number of years. We have Greening Australia, in fact, that does this work in this territory and, I must say, does it very well. I should say that if the conservation council were to intrude on this territory it may not be well favoured.

Specifically, general funding has allowed the Conservation Council of the South East Region and Canberra to provide meeting spaces, photocopying and other support for member organisations, and updated information to members and the wider community through newsletters and websites. It has coordinated numerous policy submissions to government, drawing on the extraordinary expertise embedded in the myriad community and scientific groups that belong to the council. It has run numerous awareness raising programs and has a history of substantial policy research and development. These are the activities the federal government does not wish to support.

There is a deeper issue of democracy at stake here. Good government is guided by the people out there doing the work. For the environment, that includes all the many nature and conservation groups throughout our community. For social services, that includes the countless organisations working in the areas of health, housing, welfare and participation. Peak bodies such as the Conservation Council of the South East Region

and Canberra play an invaluable role in advocating for the groups they represent in bringing the range of needs and ideas together to develop and promote good policy.

There is no doubt that the advocacy and policy advice from peak organisations can be very annoying to government. It seems very clear that the federal government, despite its extraordinary strength, has a very thin skin. If it took its job seriously as providing leadership and direction for this country, rather than seeing its purpose as simply one of holding on to power whatever the consequences, then it would understand that the annoying nature of peak bodies is vital to its work, and it would fund those organisations to increase the government's own effectiveness through taking notice of effective and informed organisations through their advocacy and advice.

Gary Johns, whom I mentioned earlier on, from the Institute of Public Affairs, and a key author of this government's strategy to limit the role and effectiveness of the non-government sector—and a former Labor politician, I might add—argues that there is no longer a problem in voicing opinion in this democracy. That is less and less our view, and the view of people working in the sector.

In a paper for the Australian National University democratic audit of Australia, Bronwyn Dalton and Mark Lyons recently highlighted that a flourishing non-government organisation sector is a key indicator of a flourishing democracy. NGOs play a major role in achieving the democratic values of participation, representation and deliberation, and promoting government responsiveness. NGO advocacy is an important contribution to making public debate and policy development more inclusive. NGOs provide their members with both skills and opportunities for democratic participation. Furthermore, they provide a training ground for politicians of the future.

The capacity of each NGO to contribute effectively to democracy relies on many factors including the size, income and status of its constituency, the appropriateness of its strategies and the openness and inclusiveness of its internal governance. The research undertaken by Dalton and Lyons looked at the internal processes of NGOs to examine the level of democracy and genuine representativeness. This research found that, despite diverse governance arrangements, overall the organisations have positive effects for the political system and society.

Criticism by conservative commentators questioning the legitimacy of non-government organisations' influence on public policy is, in fact, unfounded. Indeed, I must say that NGOs have put a lot of work into improving their governance over recent years. Simply because these sorts of criticisms and funding reductions by governments are not peculiar to Australia alone, NGOs have realised that they must increase their accountability and their transparency overall in order to satisfy the people who donate to them, and to ensure that their voices with governments are strong. Of course, we should not forget that organised industry, which is itself an NGO, is in a very strong position to promote its interests. It has the money, and the ear of government.

The commercial media in this country is concentrated and essentially compliant. The role of media has shifted away from holding people in power accountable and moved much closer to the entertainment end of the spectrum. That is understandable, given the interests of much of the population, but it means that the role of peak advocacy groups; the non-government organisations, which are closest to the ground, and which are often

the only voice for the most marginalised people and for our environment—because do remember that our environment is unable to be its own advocate; it relies on human voices to speak for it—is more, not less, important.

Civil society is the only forum we have left for dialogue in dissent. The peak organisations, such as the Conservation Council of the South East Region and Canberra, must be in a position to contribute to and contest the analysis and policy decisions on environment. Indeed the future of our environment, and ultimately ourselves, depends upon those voices remaining strong.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.21): The government is happy to support Dr Foskey's motion. In relation to the environment, this government is absolutely committed to supporting crucial policy debates that need to occur. This government's record on the environment and the commitments we have made are up in lights for everyone to see. Respecting and protecting the environment are key priorities. The ACT community is more concerned about environmental issues than anywhere in Australia. Our use of environmentally friendly products is higher and we have dramatically increased the amount of what we recycle. The response by Canberrans to the current drought and water restrictions has shown that the ACT is very receptive to measures to improve the sustainable use of resources.

This government's environmental policy objectives are very ambitious and require the support of the community. In particular, the government is committed to increasing community awareness of the size and impact of the ecological footprint made up by the Canberra urban environment; undertaking research to better understand possible risks for the ACT resulting in climate change; continuing to reduce the amount of waste generated and promoting recycling; protecting our threatened species and ecological community, ensuring that key biodiversity assets are identified, protected and managed through the preparation of conservation strategies; developing and implementing measures to increase the water and energy efficiency of residential and commercial buildings; and finalising the water resources strategy.

In order to progress this ambitious agenda the government needs help and input from the community and from key community groups, including those with peak responsibilities, to help protect the environment. The role of the Conservation Council of the South East Region and Canberra is absolutely critical in helping to deliver this policy agenda. The problem is that the commonwealth government does not share this view and does not want to hear any other views on the environment, other than its own. That is why they have cut funding to the conservation council and other groups like them across Australia who provide support and advocacy on environmental issues.

The conservation council is Canberra's peak non-government environment organisation. As an umbrella organisation the council represents the interests of nearly 40 community and conservation organisations in the ACT and Australian capital region, as well as the broader environmental interests of all citizens of the ACT. The council's mission is to achieve the highest quality environment for Canberra and the surrounding region.

The conservation council provides independent policy development and advocacy on all issues relating to the natural and built environment in the ACT. It is also a key communication link between the community and all levels of government on environmental matters. The conservation council plays a key role in encouraging, coordinating and supporting community participation in ACT environmental issues, as well as facilitating public education and sharing of the information on local, regional, national and global environmental issues. The conservation council has received "grants to volunteer, environment and heritage organisations" funding from the commonwealth, in the order of $25,000 per year over recent years, to support salary and administration costs. It was the only ACT organisation to receive funding from such a grants program.

As a result of the changes to the eligibility criteria, the conservation council will not be eligible for future funding. The new criteria require eligible groups to be directly involved in on-the-ground environmental work. This is a matter of particular concern to the council, as their funding base is significantly reduced. The Chief Minister, in his capacity as the Minister for the Environment, made representations to the commonwealth government Minister for the Environment and Heritage, Senator Ian Campbell, prior to the grants being announced, citing the valuable awareness raising and advocacy role of the council. Minister Campbell responded, affirming the Australian government's position that funding would only be provided to groups that did on-the-ground work.

In the 2004-05 financial year the conservation council received $96,862 in funding from the ACT government to support salary and administration costs. Their current contract ends on 30 June 2005. A new three-year contract to 30 June 2008 is currently being negotiated, and it is proposed that the same level of funding be provided in 2005-06. The services the council is required to provide include systemic advocacy; representation to government; broad-based consultation, research, analysis and information; and environmental policy development.

The council ensures that broad consultation with ACT environment groups occurs, that environment groups are well informed and have their interests represented, and that key issues affecting the ACT's environment are raised with relevant decision makers. All these areas are well covered by the council and, as I have stated, are critical to helping the government engage with the community on its environmental policy and broader sustainability agenda. The council has hosted a variety of forums on these issues and prepared submissions to government and others on an array of issues. In addition, the council has worked with Environment ACT to convene a series of community environment forums on topics such as water and community capacity, building and bushfire recovery.

The commonwealth government needs to pay its way on the issue of public advocacy work undertaken by peak environmental groups. Its record on environmental issues is deplorable. The decision not to fund any group that does not directly provide services is a case in point. The decision by the commonwealth to basically cost-shift to the other states and territories is disgraceful when we are already more than paying our way.

In the ACT we value our peak community groups and they have not received any funding cutbacks, despite a very tight and responsible level of fiscal management that is being applied by this government in the delivery of the 2005-06 budget. In fact, as

a result of this latest budget, the government has set in train arrangements for all community groups, including peak organisations, to receive increased funding through enhanced indexation provisions for grants. This arrangement is set to commence in mid-2006, and will result in an extra one per cent funding per annum on top of the normal 2.5 per cent indexation arrangements. This is worth some $5.6 million over four years to the community sector, to help them attract and retain staff.

This government absolutely affirms its support to continue providing funding of peak non-government advocacy and policy organisations, and will not resile from attempting to maintain this level of support and commitment to the community sector to continue its tireless work on behalf of the people of Canberra. This government welcomes their input and values their opinion—something that the commonwealth government obviously does not.

MRS DUNNE (Ginninderra) (11.29): Mr Speaker, as you would know, yesterday I raised the relevance of this motion to what goes on in the Legislative Assembly. As a result of my raising the relevance of it, Dr Foskey has amended the motion she originally put forward, in an attempt to make this more relevant to the ACT. We are the ACT Legislative Assembly and we should be dealing with matters that pertain to the governance of the ACT, and perhaps the ACT budget rather than the federal budget.

The Liberal opposition questions the value of this motion today. This follows a bit of a pattern that we are starting to see. We saw it in Ms Porter's matter of public importance yesterday, and we will see it later today in Mr Gentleman's motion. We seem to be using a tenuous link to the ACT to have an opportunity to have a go at the federal government. The federal government are big people; they have been there for a long time. I think they have pretty broad shoulders and they can take it on the chin. We have to wonder what the priorities of this place are when the government and the crossbenchers can find things to talk about which are of only very extraneous relevance to the people of the ACT.

We are here about the governance of the ACT. Yesterday we had tabled in this place 150 or 200 pages of report and comment in relation to the estimates process. There are many issues of considerable concern that have been raised in the estimates process. The estimates and the budget and the passage of the budget should be the biggest thing in town at the moment, and we are spending time finding excuses to go after the federal government. The Liberal opposition will not be involved in this process.

Dr Foskey started her presentation by talking about how, a few years ago, some youth organisations were defunded. It is a great problem in government—and it is a great problem for every government of whatever persuasion—that, from time to time, policy priorities change and organisations that have received funding in the past cease to be funded. I have been involved in government and opposition in this place and have observed the process of governments, both here and federally and in other jurisdictions, for a long time. From time to time you find there are outbursts from organisations that have suddenly had their funding taken away.

I can think of occasions when the Australia council, for instance, ceased to fund particular arts organisations in the ACT and elsewhere. Those arts organisations went into meltdown saying, "We have always been funded; we provide a particular service; we should continue to receive it." Community organisations and institutions do not have

a God-given right to government funding. If government priorities change, governments have a right to not continue to fund. Every government in this place has funded and then, from time to time, reduced or taken away funding from community organisations and institutions in this territory.

I recall an occasion, when I was the adviser to the environment minister, when the conservation council for Canberra and the south east region was not funded by the ACT government. They were not funded to provide policy advice and advocacy but they were, in fact, funded to undertake projects. They always received some funding but that funding was for practical things, rather than advocacy, and what might be called policy advice. It is difficult for governments when you pay people to do work and, in return for that, they spend their time bagging the life out of you. It is a reasonable thing to say, "If I give you money to do a particular thing for the good of the community, I don't expect that you would use some of those funds to make my life difficult, rather than work for the community, which is what we pay you to do."

Grants to voluntary environmental heritage organisations from the federal government are quite substantial. I understand that there were 164 applications received, mainly from environment groups, and that there were 128 organisations funded in 2004-05. Ninety-seven of them were environment groups, 38 were heritage groups and there were three environment and heritage groups. For the most part these groups were members of state and territory conservation councils.

We have to remember that conservation councils are peak bodies. We all know this is the case with the Canberra and south-east region conservation council. It has a vast number of members who come together to create a peak body. It has, in the ACT, a whole range of things. There is the solar energy society, friends of the grasslands, the ornithologist group, herpetologists and the save the ridge group. There is a huge number, a whole range of people. I could list them at great length. All of those people come together to create the conservation council, and it is a peak body.

It has been the practice of Liberal governments, both here and in the commonwealth, and in other states, rather than to fund the peak body to fund the people who actually do the work—to fund the ornithologists who go out and do the bird counts; to fund the land care groups who dig the weeds, plant the trees and address erosion, salinity and things like that; to fund the grass groups and the native plant groups who go out and collect the seeds and propagate them. There were a number of organisations that did receive funding in previous rounds that did not receive it this year. They were not eligible because they did not undertake current on-the-ground projects.

The criteria for the funding of the grants for voluntary environment and heritage organisations from the federal government include that they must be currently undertaking on-ground projects. So there were organisations which were not funded—they included the conservation councils of Western Australia, Queensland, New South Wales, the south-east region and Canberra, the Environment Centre of the Northern Territory and a couple of other organisations—because they did not meet the criteria.

The criteria were to fund people to do on-the-ground work—to collect the seeds, to propagate the plants, to address salinity, to count the birds and to run projects like Cool Communities. They get funding for that but they do not get funding for advocacy. It is

a government policy that has had longstanding application, both here and in the commonwealth, and in other states. It is a policy that says that if we are going to spend public funds, not government funds—funds provided by Australian taxpayers—Australian taxpayers should get some practical benefit out of it. At the moment the decisions are that that practical benefit should be for projects such as running Cool Communities, providing advice and audits to organisations, collecting seeds—doing the on-the-ground grunt work.

I commend the commonwealth government for ensuring that the money that goes to voluntary environment and heritage organisations provides a return to the community, rather than an opportunity for advocacy and rabblerousing. I think it is a most important distinction that the sorts of funding that the institutions receive is not, as I have said, a God-given right that must continue forever. Priorities change and the current priorities are for on-the-ground works. I therefore commend the federal government for their actions and will not be supporting the thrust of Dr Foskey's motion.

MR GENTLEMAN (Brindabella) (11.38): The ACT government recognises the invaluable contribution of the non-government sector to public policy development in both its words and deeds. As set out in the Canberra social plan we are building a stronger, more cohesive relationship between the ACT government and the Canberra community, and with the organisations that represent that community. The vision of the Canberra plan, or the social plan, is of a Canberra where people reach their potential, make a contribution and share the benefits of our community. Such a vision cannot be fulfilled by a government alone, and we have long recognised that we must work with the community if we are to ensure that all Canberrans share our city's good fortune over the coming decade and beyond.

This government is committed to the individuals and organisations that they stand up for. They support and advocate, on behalf of the vulnerable and the needy, the individuals and organisations that contribute every day to improving the quality of life for all Canberrans. Without their efforts the work of government would be much more difficult and our limited resources stretched even more thinly.

A clear example of the ACT government's recognition of the invaluable contribution of the community sector to public policy development is the joint community-government reference group. This group comprises representatives from a number of peak community organisations, including the conservation council, ACTCOSS, ACT Shelter, ACROD, and the executive director from the ACT government agencies. Its role is to provide advice to the ACT government on the "building a stronger community flagship" part of the Canberra social plan, viability issues in relation to the community sector and general social policy issues.

Just last week Minister Hargreaves launched the ACT government's community engagement initiative. I was greatly heartened by the large numbers who attended the event, despite the inclement weather. The community engagement initiative represents a fundamental shift in the way government interacts with the people it serves. I believe it is worth noting the degree to which government worked collaboratively with the community sector in the development of this initiative. Through this initiative the Stanhope government is looking to encourage Canberrans to fully engage in the issues that affect them. In this way we benefit from a broad range of skills, experience and

knowledge that may otherwise not be available. While our population is relatively small it is highly educated, informed and keen to encourage government on many issues. This engagement, of course, is something that this government welcomes and fosters.

The community engagement initiative included a manual, a service charter, a website and a learning and development strategy. Agencies are including community engagement principles and practices in their strategic plans and identifying officers to act as contact points for engagement activities. The importance of the partnership between the ACT government and the community sector is further evident in the social compact that was launched in May 2004. It sets out the vital role and contribution of the community sector in the ACT and the principles for working together. At a practical level the significant contribution of community organisations to the development of social policy is highlighted time and again. I note the extensive reform of Disability ACT, leading to the development of the futures policy.

The ACT Homelessness strategy drew on the unique skills, knowledge and commitment of the community services sector to develop an action plan that will not only improve the delivery and coordination of services but will also, equally and importantly, increase community understanding and awareness of this important issue. In addition, the directors of the six regional community services organisations participated in the quarterly Department of Disability, Housing and Community Services chief executives regional community services forum. These organisations provide valuable input and advice on issues relating to the department's community services responsibilities. The forum serves as a conduit for information sharing and constructive discussion on the broad range of community services policy matters in which the directors of the six regional community services organisations have considerable knowledge, expertise and practical experience.

The community inclusion fund is yet another example of this government's acknowledgment of the capacity of the community sector. Fifteen projects supported by the fund are now underway. They involve government agencies partnering with the community organisations to deal with the complex causes of poverty and social exclusion in this city. Working together, government and the community are now finding new ways of helping the most vulnerable and needy. The ACT government is happy to affirm its support for the work of peak, non-government advocacy and policy organisations. As I have said, peak bodies and other such representative organisations have an important role to play in the development of good public policy.

Our commitment to funding is evident to all. In February 2004 the ACT government launched the community sector funding policy. This recognised the importance of community service providers having a strong and effective relationship with the ACT government. This move reflects a shift from purchaser/provider to partnership. Community organisations are now funded under service funding agreements as part of the implementation of the policy. Organisations can now plan for the longer term and build sustainability into their operations. For example, the ACT Council of Social Service Inc receives in excess of $270,000 each year to undertake systematic advocacy and inform government policy development. Organisations like the coalition of community housing ACT and ACT Shelter also receive $110,000 each for advice, advocacy and information services.

As part of the community sector funding policy, a large number of community organisations providing human services now have three-year service funding agreements to give them greater security of funding. This includes a number of peak community advocacy organisations. Over $70 million is allocated annually by the ACT government to community organisations through these funding agreements. The government is conscious of the need to support the community sector itself and the people who perform its daily miracles, as well as supporting the sector's constituency.

The people who work in the community sector are highly trained professionals, every bit as entitled to decent and rewarding wages as their peers in other sectors of the economy. As the Chief Minister pointed out at the ACTCOSS post-budget forum, their children are no cheaper to feed, their cars are no cheaper to run, and their bread and milk cost the same. Yet some sections of society and some governments expect sacrifices from this sector that they would not be willing to take on themselves. They believe that we can rely indefinitely on the goodwill and community spirit of the sector.

Traditionally, funding to this sector has been indexed according to the consumer price index. The government last year promised that it would resolve, once and for all, the vexed issue of indexation. This has been done and the reform is locked in, long-term. Last month's budget allocates an additional $5.661 million in funding over four years, which will start to flow in in 2006-07, to support the new indexation system. From 1 July next year a new indexation model will apply that recognises the effects of salary increases, as well as operating costs. The new funding index, comprising 80 per cent wage cost index and 20 per cent CPI, was proposed by ACTCOSS. The government has been happy to accept their advice.

In the important field of health the services provided by non-government organisations are acknowledged and applauded by this government. They are, quite simply, crucial to the health and aged care sector in the ACT. ACT Health funds almost 100 non-government organisations to a total cost of over $40 million. These organisations provide a wide range of services, ranging from self-help and social support to community based and residential service delivery, as well as advocacy and policy input.

We are actively looking to enhance the partnership between government and non-government services in a number of key areas such as alcohol and drug services, and aged care. The input of peak organisations and the perspective they provide from the community, consumers and carers is highly valued, and the government will continue to support this role.

The ACT government believes that the way to meet the aspirations and satisfy the hopes of Canberrans, is to build, over time, a community that is resilient, that has a capacity, a community in which everyone is entitled to reach their potential and is given the opportunity to do so. The kind of community the government had in its sights a year ago was outlined in the initiatives in the Canberra social plan. Our ongoing commitment to funding the non-government sector, as well as our recognition of the contribution of the sector, is evident both in what this government has done and in what we are committed to achieving in the future.

DR FOSKEY (Molonglo) (11.48), in reply: I want to thank Mrs Dunne for her explanation of the government's approach to this issue—that was very useful—and I also want to thank Mr Gentleman and Ms Gallagher for their support. It was particularly useful to hear from Ms Gallagher the ways in which the ACT government and the Conservation Council of the South East Region and Canberra have worked together. It is a very long list of ways in which this government recognises that the conservation council has been able to contribute to its own work on the environment.

In the ACT we have many volunteers in all the component groups of the conservation council whose work—caring for nature parks, for instance; noting changes in bird populations and restoring catchments—contributes to the policy positions put forward by the council. These groups do not have the expertise, or the time—because they are all volunteers—to do the policy work themselves. That is why they join the conservation council. They recognise that all their work—for instance, restoring woodlands—will be meaningless if larger trends, such as climate change and biodiversity loss on the catastrophic scale on which it has happened in Australia and is continuing to occur, are not checked.

These kinds of activities must happen at the national and, indeed, the global level. If we want to stop climate change, then we need the federal government to sign the Kyoto protocol; and if we want the Kyoto protocol strengthened so it really does help to check climate change, we need to be working at the global level. That is why it is necessary to talk about issues concerning the federal government in this Assembly.

The old saying of the 1970s, "Think globally, act locally" is just as true now as it ever was. We have to act locally and we also have to act nationally. The conservation council is an ACT and regional body. We have to stand up for it here, because its own voice will be quietened by the federal government's funding decisions. Well, it probably will not be quietened because we can be fairly sure that the community will come out in support. Nonetheless, the funding decision is a sign of an attitude and an unwillingness to listen, and that is of as much concern as the decision to reduce this grant. I commend this motion to the assembly.

MR SPEAKER: Thank you, Dr Foskey. At this point I welcome students from Gordon Primary School, years 5 and 6. I am told there are 70 of them.

Motion agreed to.

Animal Legislation (Penalties) Amendment Bill 2005

Debate resumed from 16 February 2005, on motion by **Mr Stefaniak**:

> That this bill be agreed to in principle.

MS GALLAGHER (Molonglo—Acting Attorney-General, Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.51): The government will not be supporting the Animal Legislation (Penalties) Amendment Bill 2005, which seeks to amend penalties determined under the Animal Welfare Act 1992 and the Animal Diseases Act 1993. This

bill is identical in form to the one tabled by Mr Stefaniak in May 2004, although I note that Mr Stefaniak has reconsidered the levels of penalties proposed. The bill did not receive government support then and the arguments that applied then are still relevant today.

Since the debate on the 2004 bill, an amendment has been included within the Animal Welfare Act 1992 to allow the court to make an order to require a person to submit to psychological assessment in offences involving violence against animals. This amendment addresses particular concerns that were raised by the RSPCA and the Animal Welfare Advisory Committee regarding the link between animal cruelty behaviour, by children in particular, and subsequent violent antisocial crimes against people. Also, the government has announced its intention to create an additional offence for instances where a person's reckless or negligent behaviour results in serious harm or death to an animal. These two provisions recognise particular areas of concern.

Increasing the range of penalties available will not see any magistrate obliged to impose a higher level of penalty for an offence. That is a simplistic approach to an important community issue and it is not the way the court system works. Giving magistrates access to higher penalty levels for a number of animal welfare offences will not mean that magistrates will increase all fines imposed on persons convicted of an offence. Imposing a level of penalty is not an arbitrary act and many issues are considered prior to a magistrate imposing a penalty.

I note that Mr Stefaniak has considerably reduced the proposed penalties in the bill from the five-year maximum jail term that he proposed last year. Prosecution for offences with penalties of this magnitude would have to be pursued in the Supreme Court before a judge and jury. I can only assume that Mr Stefaniak agrees with the government that such an approach would be difficult to justify in terms of additional costs, delays and ultimate effectiveness.

It is clear to me that the government and the Assembly have moved on since the initial debate on appropriate penalty levels for animal welfare cases. However, as this matter is again before the Assembly, I will raise a number of points which were raised during the original debate and which are still relevant. The bill proposes that some, not all, animal welfare offences under these two acts be increased. The nominated increases seem to be arbitrary or piecemeal in their inclusion, with no consideration to the adequacy of existing penalties.

When considering amending penalties within ACT statutes there should always be consistency with other penalties. This bill puts the maximum penalty available to a magistrate for an animal welfare offence at $20,000 and/or two years imprisonment. That is double the present maximum penalties available. In terms of imprisonment, they are equivalent to those of common assault against a person, neglect of children or grievous bodily harm. Whilst not for a moment implying that an offence against an animal is not a serious matter, the government cannot, as a matter of principle, agree that it is equivalent to serious offences against a person. The proposed penalty provisions are not appropriate and cannot be supported by the government.

Mr Stefaniak has said that a person can be jailed for a maximum of two years for committing the offence of slapping someone on the face. Mr Stefaniak must have a poor

opinion of a magistrate's judgment if he believes that a two-year jail term would ever be given for such a minor matter. In contrast, it could be argued that a person who fails to provide adequate shelter for their animal will receive a two-year jail term just because their dog got a bit wet sheltering under the patio during a rainstorm while they were at work. Magistrates are considered and reasonable people. Such extraordinary abuse of their powers is not an accusation that this government will support.

This bill attempts to increase what Mr Stefaniak has described in the past as woefully inadequate animal welfare penalties. That is simply not the case. It was not the case in May 2004 and it is not the case now. The ACT animal welfare penalties are consistent with those available elsewhere in Australia. In all offences that have been identified within this bill for increase, the ACT already has a higher maximum penalty than those determined in New South Wales.

The government is in agreement with Mr Stefaniak in its abhorrence of acts of violence resulting in cruelty to animals. Offences of this kind need to be appropriately dealt with. However, randomly increasing the maximum penalty levels for some of the offences listed under these acts will not mean that magistrates will automatically double the penalties imposed upon conviction. There needs to be direction provided to magistrates to allow an assessment of the intent behind an act of cruelty.

The government has already announced its intention to amend the Animal Welfare Act to create a new offence of reckless or negligent behaviour resulting in serious harm to or the death of an animal. I will ignore the proposed increase in the maximum penalties for uncommenced provisions under the Animal Welfare Act. The proposal was not appropriate the first time it was raised and having it sit for nine months before re-presenting it to the Assembly has not improved it. Accordingly, the government does not support the proposed amendments to the two principal acts.

DR FOSKEY (Molonglo) (11.57): The ACT Greens believe that all sentient beings should be treated with compassion and respect. We are opposed to animal cruelty in any form, including intensive farming methods and the use of animals in experimentation and entertainment, as well as wilful neglect and deliberate acts of cruelty.

I support the intent of this bill. I understand that agencies such as the RSPCA are sometimes frustrated by the low levels of fines imposed on perpetrators of cruelty against animals and believe that increasing maximum penalties for animal cruelty will send a clear message to both magistrates and the public that the community takes animal cruelty very seriously.

However, I believe that increasing penalties on its own is not enough. It is unlikely that higher penalties will have a strong preventative impact, nor that maximum penalties will be applied in many cases. It is also unlikely that the imposition of a fine or jail term will address the underlying causes of the perpetrator's behaviour. To quote Animal Liberation ACT, "Absurdly low penalties are merely the problem at the tail end"—I am sure there was no pun intended—"of a very long series of impediments to adequate legislative protection for animals."

By far the majority of acts of cruelty against animals are either not detected or not prosecuted. The capacity of animal welfare agencies to investigate suspected cases of

cruelty, to deal with offenders and to gather sufficient evidence for a successful prosecution is generally inadequate. It is also very difficult to prosecute a cruelty case because of a swag of loopholes and defences in the legislation, including section 20, which provides defences for commercial cruelty, allowing battery hen farms to breach cruelty provisions every day.

The ACT Greens had legislation passed in the Assembly to ban the sale of eggs produced through battery farming. This legislation was never enacted because it required the agreement of all state and territory governments as well as the commonwealth government. The momentum has been growing about legal issues surrounding animal welfare, both in the ACT and in other jurisdictions. The New South Wales government recently established an animal cruelty task force and Animals Australia recently set up a new division about animals and the law.

If we are serious about preventing cruelty to animals and genuinely want to reduce recidivism amongst those convicted of such crimes, we need to address the cause of the behaviour, particularly when there have been deliberate acts of cruelty above and beyond the crime of neglect. This includes paying attention to the circumstances in which acts of cruelty are committed, which often include the presence of mental health issues, drug and alcohol misuse, and other complex problems.

I have personal experience of seeing animal neglect in a situation where the offender was experiencing a complex range of personal problems, resulting in harm to her children and other family members as well as to the animal concerned. That person was convicted in that case, but I have to say that that conviction would have done absolutely nothing for any future relationships she might have with animals, which hopefully this person will not engage in any more.

The close relationship between harm to animals and harm to humans highlighted in this example is not uncommon. There is a growing body of evidence that indicates that many people who commit acts of violence against humans, including domestic violence and/or general bullying and violent antisocial behaviours, have a history of being cruel to animals. Cruelty to animals can signal an underlying problem with violence and/or a psychiatric disorder.

The last time that a bill of this nature was before the Assembly, the Democrats sought to amend the legislation to include a mandatory psychological assessment linked to appropriate counselling or treatment. That is not uncommon in the United States, where a number of states have provisions for mandatory assessment of juvenile offenders. The ACT Greens did not support that proposal because we do not want to impose a mandatory sentencing requirement on ACT courts. However, we do feel that the court could make better use of existing provisions for ordering psychological assessments when warranted.

We also believe that appropriate penalties for cruelty to animals go beyond fines and jail terms. Magistrates should be encouraged to look at individual circumstances, which may include a psychological assessment, wherever appropriate. Furthermore, magistrates should have discretion to impose a range of penalties beyond fines and jail terms—for example, restrictions on owning animals, with provisions for monitoring and enforcing

the restrictions; rehabilitative options such as counselling, anger management and antiviolence programs; and appropriate community service orders.

When amendments to the legislation were put before the Assembly last year, the government indicated that there is a need to provide direction to magistrates and perhaps investigate the link between cruelty to animals and violent behaviour towards animals. The government also indicated that the Animal Welfare Advisory Committee had undertaken a review of elements of the Animal Welfare Act and that the government was reviewing its recommendations and would address the penalty provisions of the act.

I understand that the government is planning to propose changes to the legislation later this year. However, I have to say that this has been a relatively closed process and has not effectively engaged the community in dialogue on these matters. I call on the government to undertake a public and consultative review of the animal welfare legislation. Such a review should engage the community in establishing agreed standards relating to, and looking more broadly at, the mechanisms for identifying and responding to suspected instances of animal cruelty.

I believe that there is sufficient community interest to have a robust public discussion, with the potential to substantially tighten both the legislation and the responses to instances of cruelty. I believe too that we should be aware that we are all complicit in animal cruelty unless we take steps to ensure that the eggs, meat and milk that we consume are not produced by methods of intensive farming that engage in inhumane husbandry and/or slaughtering practices.

MR STEFANIAK (Ginninderra) (12.05), in reply: I thank members for their comments. It was probably somewhat difficult to come up with amazingly convoluted excuses for not voting for this bill, which is a sensible piece of legislation which takes into account concerns raised by the government last year in an effort by me to get it through. I will address a few points raised by members prior to reading out a letter from the RSPCA and a very good media release by Mike O'Shaughnessy of Animal Liberation ACT in support of the bill, which is a fairly basic bill.

I will respond firstly to Dr Foskey. We just had a motion before us about the need to support the conservation council and she talked, probably genuinely, of concerns about cruelty to animals. As a result of last year's little effort, we already have a provision whereby there is a mandatory requirement for people to go and get the treatment Dr Foskey referred to and a lot of what she was saying in that regard would be covered effectively by that.

Whilst it may be true to say that increasing penalties on its own is not enough, it is a very good start. It is a very good start when you take into account all the other points you raised, which courts have been dealing with for decades. Very much so in the ACT, all of those factors are taken into account by the courts. But the Magistrates Court itself, over about the last 20 years, has been bemoaning the fact that the penalties available to the magistrates are woefully inadequate.

If the Acting Attorney-General and, more specifically, her colleague the actual Attorney-General have real concerns about this subject, all they need to do it to have a chat to Ron Cahill, who has been around a long time. I can remember him and a number

of other magistrates bemoaning over the years the fact that the penalties available to them to impose for cruelty to animals are totally inadequate.

I thank Dr Foskey for the correlation about cruelty towards animals leading to violence towards humans. That is absolutely true, as a number of studies have shown. When the FBI analysed the lives of serial killers it found that most of them had killed or tortured animals as children. Martin Bryant used to shoot all the cats in the neighbourhood and torture them. We all know what he did in the Port Arthur massacre. This bill is just one step, but a very important step, towards deterring and, hopefully, combating to a large degree cruelty to animals.

I turn to some of the points raised by the Acting Attorney-General. Predictably, the ALP is not supporting the bill. I note that the ALP has been moved to take some action in terms of introducing, I think she said, another section to the act. I suppose that is something. The Acting Attorney-General also mentioned the provision which was passed by the Assembly requiring a psychological assessment. I think that the government actually opposed the provision passed by the Assembly. Ros Dundas moved it as an amendment to my bill and we supported it at the time, as did Kerrie Tucker, I think, but I think you will find that the government opposed it. At least we got that through last year.

The government says that a penalty of five years imprisonment would be too much as it would mean that the case would have to go to the Supreme Court. The government is wrong there. The Magistrates Court can deal with any offences concerning acts against a person or any other offences which carry a maximum term of imprisonment of 14 years or, if it is a property offence not involving violence, 10 years. A maximum penalty of five years imprisonment is something that invariably is dealt with in the Magistrates Court. That is basically what you can get for assault occasioning bodily harm of a human, such as a punch to someone's nose which breaks it or a cut lip. That is an assault occasioning actual bodily harm for which there is a maximum penalty of five years. Invariably, it would be dealt with in the Magistrates Court.

The government seems to have a big hang-up about the fact that the maximum penalties I was proposing for cruelty to animals were more than those for a common assault. Yes, Ms Gallagher, a common assault is basically a slap across the face, but you would only get two years for that, I suggest, if you had a shocking record. But a common assault is something as simple as that and it does carry a maximum penalty of two years imprisonment.

In my view, that is woefully inadequate for some of the more serious acts of torture against animals but, as that was the government's main objection then, I have put forward in good faith amendments which seek to increase the maximum penalty from a fine of $10,000 or imprisonment for one year to a fine of $20,000 or imprisonment for two years and provided for a concurrent increase in some lesser offences. So, far from being a slapdash approach, it is actually quite a considered approach, Ms Gallagher. I do have a fair degree of expertise in criminal law and I have been around long enough to hear a number of magistrates bemoan the fact that these penalties are woefully inadequate.

I think that Ms Gallagher said that increasing the penalties will not affect the magistrates, but it will. They have actually said that they would like them to be increased. They are well able to utilise an increase in terms of finding an appropriate penalty for the offence and, if they are asking for an increase, surely that is something that the government should take into account. There seem to be some problems between the attorney's office and the Magistrates Court. I do not know whether that has anything to do with it or whether it is simply due to the fact that the government cannot accept this bill because it is a good idea by the opposition and has to knock it back and maybe work out something itself later. If that is the case, which I suspect is probably true, I think that is rather pathetic.

If members opposite bring up a good law, we will back it. When we were in government and they brought up a few good laws, we backed them. Mr Speaker brought up a good law in 1996 in terms of some industrial relations matter, I think, and we supported it. It has worked very effectively since. It was his idea and we had no drama with saying that it was a good law. It seems to me that you are opposing this bill for the sake of opposing. These amendments have been on the agenda for about 15 months. They have been amended down to accommodate the government's comments, which have not been terribly accurate, in an attempt to get these changes through. Unfortunately, you are not even prepared to accept that. My amendments now equate to the maximum penalty for a common assault.

This bill is in line very much with what New South Wales and Queensland have done. The penalties around Australia for cruelty to animals have not been terribly robust over the years. There have been improvements in some states recently. New South Wales and Queensland now have penalties of two years and, I think, in some instances even three years. This bill brings us much more into line with our colleagues across the border. Those penalties were increased by Labor governments. What is the problem with this one?

I will now read out two documents in support of this piece of very sensible legislation. Firstly, I will read a letter to Mrs Burke, a colleague of mine, from Sue Gage, president of the RSPCA—someone signed it for her—earlier this year. It reads:

> Dear Mrs Burke
>
> I am writing to urge you to support the Animal Legislation (Penalties) Amendment Bill 2005 that was presented to the Assembly on 16 February 2005 by Mr Bill Stefaniak. The bill calls for much stronger penalties for people who are convicted of cruelty to animals.
>
> Members of the RSPCA (ACT) Council have followed the debate on a similar bill presented by Mr Stefaniak in 2004. Council considers the 2005 version addresses the points of disagreement that led to the defeat of the bill in the Assembly last year.
>
> Council is concerned the penalties currently imposed on people found guilty of acts of cruelty to animals do not match the gravity of the offences. Often a person convicted of cruelty to animals is penalised by a community service order or a small bond, punishments similar to those awarded for minor misdemeanours.

> I believe by passing this bill Members of the ACT Assembly will be demonstrating to the Community that they recognise cruelty to animals is a serious offence. Courts may then impose stronger penalties when sentencing people found guilty of cruelty to animals.
>
> I am sure you are aware there is a growing body of evidence that indicates many people who commit acts of violence against humans have a history of being cruel to animals. The RSPCA (ACT) Council believes the imposition of greater penalties for people convicted of these acts will lead to cruelty to animals being taken much more seriously in our community.
>
> I urge you once again to support this Bill.
>
> I will be away from Canberra from 30 March to 19 April. During that time, Bob Akhurst, Vice President, RSPCA (ACT), will be Acting President. You may contact him … if you wish to discuss this matter in more detail.
>
> Yours sincerely
> Sue Gage
> President
> 2/4/05

I seek leave to table the documents.

Leave granted.

MR STEFANIAK: I present the following papers:

> Copy of letter to Mrs Burke MLA from the President of the RSPCA, dated 2 April 2005.
> Copy of letter from Mrs Burke MLA to the President of the RSPCA, dated 5 April 2005.

Today, Animal Liberation ACT put out a media release headed "Increased penalties for animal cruelty". It reads:

> Animal Liberation ACT supports the private members' Bill that Liberal MLA, Bill Stefaniak, will debate today in the Legislative Assembly. The Bill, to be debated at approximately 12 noon, aims to raise the penalty for animal cruelty to $20,000, or 5 years imprisonment.

I have since been advised that they have indicated that it should be two years, as per my amendments. The media release continues:

> "We urge the ACT Government to today support the bill and increase penalties for animal cruelty. The New South Wales Government recently took steps to do this and the ACT should now follow suit," stated Mr Mike O'Shaughnessy, spokesperson for Animal Liberation ACT.
>
> "The community is strongly against cruelty to animals yet often the punishments don't fit the crime. Under the current legal system a person who tortures an animal

> to within an inch of its life is sure to get off more lightly than a person who pushes someone in a pub.
>
> "This situation is clearly disproportionate. Issues that our society view as serious should be reflected in the criminal law."
>
> Jon Stanhope previously has not supported increased penalties. He has said that no animal cruelty charge should exceed the penalty of a base level assault charge on a person. In doing this he is comparing common assault (i.e. someone touching someone without consent) to serious animal abuse.
>
> Historically animals were viewed by the court as property, and animal abuse carried the same penalty as damage to property. However, for some time society has recognised that animals are not just property and the law now needs to catch up.
>
> "If the ACT Government does not increase animal abuse penalties what message will this send to the community and to magistrates who repeatedly give lenient sentences to animal abusers?
>
> "The strong link between violence to animals and violence to humans is now widely recognised. One step in addressing this problem is to give animal abuse crimes stronger penalties so they are viewed as serious crimes. Only then will resources be made available to stop this cycle of violence that is inflicted on animals and humans," concluded Mr O'Shaughnessy.

I would certainly agree with him there. Maybe one point in the magistrates' favour is that they have been calling for increases to the penalties, as I said, for a number of years. I seek leave to table that document.

Leave granted.

MR STEFANIAK: I present the following paper:

> Media release from Animal Liberation ACT, 22 June 2005.

I understand that when the RSPCA sent that letter to members our learned Chief Minister was absolutely ropeable and savaged them. I do not think that that is a particularly good way to carry on in government. Clearly, members of the public and members of such organisations which were quoted today by Ms Gallagher and Dr Foskey, people who deal directly with the results of cruelty to animals, should have their views taken on board. Members of this place should take note of the views of organisations such as the RSPCA and Animal Liberation. The RSPCA have shelters here and do such a wonderful job in assisting animals which have been victims of cruelty. They are at the coalface. They work at it every day of the week.

If they say that the penalties are inadequate, they are making it very hard for the people opposite to resort to convoluted logic to justify not supporting a bill such as this one. I find their response very disappointing. Shame on them for that! I do commend the bill to you. I know that it is going to be defeated, but I think that members opposite should ponder what experts in the field such as the RSPCA and Animal Liberation have said. They would like to see the penalties increased. New South Wales has done so. Queensland has done so. They are both Labor states. Why can't the people opposite?

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 6		Noes 7	
Mrs Dunne	Mr Smyth	Mr Corbell	Ms MacDonald
Dr Foskey	Mr Stefaniak	Ms Gallagher	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	

Question so resolved in the negative.

Sitting suspended from 12.22 to 2.30 pm.

Ministerial arrangements

MR QUINLAN: Mr Speaker, I advise the house that in the absence of the Chief Minister, I will be taking questions relating to his portfolio of Chief Minister's Department and Ms Gallagher will be taking questions in relation to Attorney-General's, arts and heritage.

Questions without notice

Calvary Hospital

MR SMYTH: Mr Speaker, my question is to the Minister for Health. Minister, the opposition has been informed that a contractor who was working at the Calvary Hospital for one week has contracted a golden staph infection and that, as a result, a theatre at the Calvary Hospital had to be shut down. Minister, the opposition is further informed that the contractor is now in a serious condition from contracting this bacterium. Minister, has there been a recent outbreak of golden staph or other superbugs at the Calvary Hospital? If so, how many cases have been reported and what action has been taken.

MR CORBELL: Mr Speaker, I am not aware of any such incident but I will take the question on notice and provide and answer to Mr Smyth as soon as possible.

MR SPEAKER: Do you have a supplementary question, Mr Smyth?

MR SMYTH: Yes, Mr Speaker. Minister, you might also check if there has been any recurrence of golden staph or other superbugs at the Canberra Hospital.

MR CORBELL: Again, Mr Speaker, I think it is important to make the point that all hospitals from time to time have to manage outbreaks of these types of infection of golden staph. I am not aware of any particular incidents of concern to date at either of our public hospitals. However, I am happy to take the question on notice, clarify with my department what the issue is, whether Mr Smyth's assertions are correct or not, and provide that information to the Assembly.

Water—price increase

MR MULCAHY: My question is directed to the Treasurer. I refer to the 12 per cent price increase for water to apply from 1 July 2005, confirmed by Actew in estimates on 2 June. According to the budget papers, all of Actew's expected profit of $57 million for 2005-06 is to be paid as a dividend to the government. Is it the government's policy to penalise Canberra's water users with a price increase for saving water?

MR QUINLAN: I think that Mr Mulcahy would know that the price of water is set by the ICRC, the independent regulator. Therefore, the rest of the question fails. It does not have any basis. To humour him, let me say that Actew, to the best of my recollection, started life as one of the most low-geared public utilities in Australia. A very substantial suite of assets accrued to it after the amalgamation of the electricity and the water supply in Canberra.

I had a fair bit to do with this project. With no humility whatsoever, I say that Actew got a pretty damned good deal. In fact, it received a considerable number of assets—the headwork, et cetera—at a very low price. Beyond my time there, Actew went through an asset revaluation process, which recognised the full value of those assets.

I think Actew had—I am punting; the number is not material—in excess of $1 billion worth of assets on its books, and $1 billion worth of assets that it can depreciate. I am sure that Mr Mulcahy, with the understanding of matters accounting and economics that he has so far exhibited in here, will appreciate that depreciation is effectively a cash generator in itself. The provisions for depreciation come off the bottom line. They are therefore not calculated in the dividend. If you do a fund statement—a cash flow statement—within the—

Mr Mulcahy: Mr Speaker, I rise on a point of order. While it is fascinating, I have heard this dissertation before. I query the relevance of the minister's answer. The issue about penalising people for conserving water is simply not being addressed, even in the broad. I ask that he be brought back to the question.

MR SPEAKER: There is no point of order. He is speaking to the subject. He is on the subject matter of the question.

MR QUINLAN: I will concede to Mr Mulcahy on one dimension: the point of order is very relevant. It points up—

MR SPEAKER: That has been ruled on.

MR QUINLAN: Yes, I know. But what is relevant is the fact that Mr Mulcahy would bring up that point of order and think that what I am saying is irrelevant to the treatment of people of the ACT. Over the years, the people of the ACT have had, and continue to get, a pretty good deal on water and electricity supply. I do not think that it could be claimed that, relative to other Australians, they are being penalised.

To summarise, the ICRC sets the figures. You need to look at Actew's cash needs and at the whole picture—if you are capable of it—or get some help. I do not see any penalty for the people of the ACT.

MR MULCAHY: Mr Speaker, I have a supplementary question. Does the managing director of Actew receive a performance bonus on top of his $450,000 salary for increasing the dividend to the government?

MR QUINLAN: We do not decide what his performance bonus is. I am not sure that it is on top of the salary package as opposed to part of the salary package. I do not have the precise numbers. Like many CEOs in Australia in charge of commercial organisations, there is a performance element in his salary, if that is what you are asking. I think there is.

I might expand on the answer, given that we have had some publicity in relation to the salary paid to the CEO of Actew. I am advised that the Hay Group has evaluated that position twice over the past few years. I am advised that the upper level of their assessment is well above the salary for the position. The salary is set by the board. It is their choice. How the board manages the organisation and what incentives they put in, is really for them to decide.

Mr Mulcahy: You are the shareholders.

MR QUINLAN: We are the shareholders.

MR SPEAKER: Order! This is not a conversation; this is an answer to a question.

MR QUINLAN: The board assesses that salary; they have done it, as I am advised, with professional assistance. The shareholders are sensible enough to manage as shareholders, and not micromanage or drag selective figures out of the full report of Actew and try to make political capital out of it, as you have done.

At the end of the day, his salary has been decided by the board. I think the board has taken recognised professional advice twice on those salaries. The salary provided fits within a range provided and is certainly below the upper limit set. As a shareholder, at this stage I do not feel disposed to interfere in that process. I can look on with envy, seeing as I sat in that position for a couple of extended periods. I remember being very well remunerated, but not quite at that level.

Nevertheless, if you had read the press over the past few years you would have understood how the salaries paid to senior and chief executives across Australia have changed, how they have escalated so that you get the best people, and how they have included an incentive element. If you took the salary of the chief executive of Actew and stacked it up against other organisations—as the Hay Group has done for the board, which made the decision—you would get a better perspective.

It is easy politics to pick out a big number—my salary, your salary—and bandy it around. That has a certain amount of popular appeal. But put it into perspective of what

you can read and what you have read over time about salaries provided to chief executives of major organisations.

Environment—noise complaints

MR GENTLEMAN: My question is to the Minister for Economic Development and Business. Minister, you would be aware of recent *Canberra Times* coverage of a dispute between Toast Cafe and Bar and the Waldorf Apartments. The dispute relates to complaints about noise emanating from Toast and allegedly disturbing residents of the Waldorf Apartments. Minister, can you outline what steps are being taken to resolve the dispute?

MR QUINLAN: I think it is very important, given that this is an issue that was aired in public, that we do in fact address some of the issues.

As I am advised, the Toast Cafe and Bar has been the subject of numerous complaints from people who reside in the Waldorf Apartments about the venue or its patrons causing loss of amenity through the creation of human and mechanical noise. The issue of loss of amenity was first considered by the Liquor Licensing Board in September of 2003 when it considered allegations that the licensee of the premises was permitting patrons to consume liquor outside the boundaries of the licensed premises. As a result of that matter, the licensee relinquished the outside area that was part of the licensed premises.

Further complaints have been received since that time about patrons of the premises causing a loss of amenity to residents of the Waldorf Apartments as a result of their conduct in the vicinity of the premises. Complainants have also raised concerns about the level of amplified noise coming from the premises in the early hours of the morning. These matters have resulted in the Environmental Protection Authority undertaking noise readings from Toast on three separate occasions. On the first occasion a written warning was issued. Following the second measurement an infringement notice was issued and consideration is currently being given to what action should be taken in respect of the third breach.

The broader issue of loss of amenity, including the issues investigated by the EPA, are part of a matter currently before the Liquor Licensing Board for consideration. The board is specifically tasked, under the Liquor Act 1975, to consider complaints about the loss of amenity arising from the conduct of licensed premises. Where it is established that a licensee has operated their premises so as to cause an undue disturbance to persons occupying premises in the neighbourhood, then the board has a range of powers that it can use to address the identified concerns. I think it is also worthy of note that the Small Business Commissioner has also had some involvement in trying to resolve the matter. Clearly the relevant agencies are taking steps to resolve the issue and I am confident that a solution can be reached that is acceptable to both parties.

It is important, I think, to note that the government has, as is proper, not attempted to take sides in this dispute. I have received correspondence on this issue, as have other ministers, and we have been careful to ensure that we are not seen to take sides on the issue. We have agencies, in this case the EPA, the Office of Fair Trading and others that are specifically charged and duty bound to investigate complaints that are made. It is

their job and it would be improper in the extreme for the government or a minister to interfere in that process. Indeed, if we did, we would be criticised by those opposite, and probably quite rightly so.

So it comes as something of a surprise that the Leader of the Opposition put out a press release the other day advocating that we do just that, that we interfere. Mr Smyth wants the government to interfere in the proper operation of the Office of Fair Trading, which is responding to complaints, as it is duty bound to do. Not only does Mr Smyth want us to interfere, but he has also implicitly taken the side of one business over the other. I would be curious to know how the Waldorf and the business community feel about the Leader of the Opposition, the opposition spokesman on business, taking a side in a business dispute. I suspect that they would take a very dim view.

But what is of even greater concern is the fact that Mr Smyth's deputy, Mr Stefaniak, has, within the estimates process, effectively taken the side of the Waldorf. So here we have, sitting side by side, the Leader of the Opposition advocating in the paper, getting his name in the *Canberra Times* again with some cute headlines about toast and jam, sticking up for the little businessman, the nightclub. And in estimates we have his deputy sticking up for the complainant against that business. I think this is one of several examples afoot these days to show that we have an opposition that is still in disarray after an electoral flogging of several months ago.

Policing

MR PRATT: My question is to the minister for police, Mr Hargreaves. Minister, have you ensured that the matter of the police handling of the case of the 16-year-old victim of an alleged rape this week has been referred—have you ensured it has been referred—to the relevant professional standards board for investigation?

MR SPEAKER: Order! This matter is before the courts and I am not going to encourage debate in this place—

Mr Stefaniak: Point of order, Mr Speaker.

MR SPEAKER: Wait until I am finished. I am not going to encourage debate in this place that might affect the way the courts handle this matter. Mr Stefaniak, do you want to raise a point of order?

Mr Stefaniak: I take a point of order. Mr Speaker, in relation to the point you have raised. I would submit to you that it is not so much about a matter that is before the courts. Mr Pratt is raising a matter of procedure in terms of what the police are meant to do or not to do. It does not go to the substantive issue. What is before the court is an allegation of rape, a very serious matter. This is nothing to do with the matter before the courts. This is a matter of procedure and what the police should or should not have done prior to anything actually happening with the court. The courts are irrelevant in this regard. This is a matter of police procedure.

MR SPEAKER: Thanks for your contribution, but I happened to be listening to the radio this morning when a police PR person was responding to the same issue and the police PR person made abundantly clear that they were not going to respond to any of

the issues surrounding this person in the cells as all of these matters would find their way to the courts. I intend to adopt the same view because I do not want to take the risk of debate in this place affecting or prejudicing proceedings in the courts. This convention that we always observe is a restriction on debate that the Assembly imposes on itself. Where matters are awaiting or under adjudication by the courts, debate is avoided where it could influence juries or prejudice court proceedings. I just do not think that it is worth the risk and I intend to rule that this would offend the sub judice convention. I am going to disallow the question.

Mr Stefaniak: Will you hear me a bit more on that, Mr Speaker? The sub judice rule is there for matters that actually are before a court. The matter that will be before the courts is a very serious one, an allegation of rape. I do not know whether a person has been charged. The question relates to a procedural matter. It relates to something that occurred beforehand. The police PR spokesman may well have not wanted to answer questions. His minister did not want to answer questions. It is quite reasonable to expect someone from that area to follow what his minister is doing. But to confuse that with the sub judice rule and to confuse that with the substantive issue, which is a very serious matter of rape, is wrong. I would submit that the question is all right because it does not go to that substantive issue before the courts.

MR SPEAKER: Clearly, the question goes to procedural matters in the sense that it may or may not involve the police handling of the matter. At the same time, how can we know exactly what is going to end up before the courts anyway unless we have the debate in here and make declarations about innocence and guilt? That is not our role, clearly. The point that I am making is that there is a matter before the courts. I am not going to allow debate in this place that might prejudice those proceedings. It is open to this place, once this matter is dealt with in the courts, to do as it wishes in relation to the procedural matters that you say might be referred to in the question. As far as I am concerned, that is the end of the matter. I think that it is a matter of sub judice and I am not going to allow the question.

Mr Mulcahy: On the point of order, Mr Speaker—

MR SPEAKER: Order! I have made a ruling on it.

Mr Mulcahy: Mr Speaker, I ask that the question be read in accordance with standing order 60.

MR SPEAKER: That is about a question in relation to a motion. It is not related to this matter.

Mr Pratt: Mr Speaker, on the point of order—

MR SPEAKER: Order! I have ruled on the matter. If you do not like my ruling, it is open to you to move dissent from it. If that is your choice, we will proceed down that path, but I have made my ruling.

Dissent from ruling

MR STEFANIAK (Ginninderra) (2.52): With respect, Mr Speaker, I seek leave to move dissent from your ruling.

Leave granted.

MR STEFANIAK: I move:

That the Speaker's ruling be dissented from

I do so with reluctance, Mr Speaker, but, with respect, I feel that you were wrong. You talked about the question of innocence and guilt and said that we may have some effect on that. What we are dealing with here is a situation in relation to police handling of a case—

MR SPEAKER: Order! I think that you have to come to where my ruling on sub judice is wrong. We run into the same position where you run the debate on the issue that you want to raise without dealing with the issue of sub judice. I have already ruled in relation to the sub judice convention. I am very happy for you to rise and dissent from my ruling, Mr Stefaniak, but I do not want to deal with the question that I have just ruled on.

MR STEFANIAK: I accept that, Mr Speaker. The sub judice rule is there for matters that are actually before the courts. We are dealing with a situation before a matter even got to the courts. It does not have any effect on the points you have raised, Mr Speaker, as to innocence or guilt or the effect that a discussion in this chamber might have in relation to a jury's deliberations on innocence or guilt or, indeed, on anything else in relation to a matter that is actually before the courts and that is subject to court proceedings.

Charges may or may not have even been laid at the point in time, which is a very different thing entirely. The matter has not got to court. The matter, for some reason, may not go to court. There may have been some intervening steps after the police apprehended the alleged perpetrator and after the 16-year-old girl was taken to the station. There might have been further incidents occurring there that might, conceivably, have led to nothing happening. That probably seems unlikely on the facts. But we are dealing with a very early step in the process of a matter ending before the courts, which is where the sub judice rule would apply.

Mr Pratt's question actually goes to the matter of handling and procedure. It does not go to any of the substantive issues that would find themselves before the courts. If, in fact, the matter has got to court as yet—I am unaware of that; someone might like to enlighten me as to whether the matter actually has got to court, whether any charges have been laid and the matter actually has got to court by means of the accused actually appearing or not—anything that occurs after that, I would agree with you, would be sub judice. But not this. This is simply a very early step in the chain of someone going to court. The steps invariably are that allegations are made and sometimes an arrest is made and people are taken to the watch house. The steps taken then are in relation to questions being asked and charges being laid. The matter then goes to court, as it has to by law.

But we are dealing with what occurred very early in that chain. It is before the court proceedings. My submission to the Assembly is that the sub judice rule does not apply because we are not dealing with a matter that is actually before the courts. We are not dealing with anything in relation to that point. We are dealing with another issue entirely.

With respect to you, Mr Speaker, I submit that for those reasons your ruling is wrong and our motion of dissent should be upheld by the Assembly.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (2.56): Mr Speaker, the government's view is that your ruling is the appropriate one. This matter has already been before the Magistrates Court. It was an entirely legitimate exercise of your responsibilities as Speaker to say that the matter is before the judicial processes in the territory and those processes should be allowed to continue without the potential for improper influence by this place. That is what this argument about sub judice is about. It is about ensuring that this place does not improperly influence matters that are currently before the judicial processes of the territory.

Mr Speaker, it is as simple and as black and white as that. Your decision is the correct one. It is an appropriate one that has regard to the forms, conventions and standing orders of this place and the government will be supporting your ruling on this matter.

MR PRATT (Brindabella) (2.58): I stand to support the motion. I would simply draw to your attention that the relationship between this question and the desire to debate a matter of departmental procedure deserves to be aired. The fact that it relates to a matter before the court should not be an impediment to this issue being debated. I refer you to the debates we have had in this place about bushfire matters that may have related to the coronial inquest. Surely we were able to debate those issues without impacting at all on the process of that inquiry. I would appeal to you, Mr Speaker, that the relationship is concrete, that a precedent has been set and you should therefore be allowing this question, and this debate, to go ahead. I stress again that we are not debating the issue of the alleged rape; we are referring to a departmental process. We ought to be able to debate that and get the clarity and the facts about that issue from the government. That is the justification behind asking this question. We are not prejudicing a case before the courts.

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

> That the question be now put.

MR SPEAKER: I think at this stage, I will not put that because I am not quite sure whether the crossbench wishes to make a contribution to this debate. It seems the crossbench is not interested, the government is obviously not interested any more, and there have been two speakers from the opposition so I'll put the question.

Question put:

> That the question be now put.

The Assembly voted—

Ayes 9		Noes 6	
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 Smyth	

Question so resolved in the affirmative

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Questions without notice

Fire management unit

MR STEFANIAK: Mr Speaker, my question is to Mr Hargreaves as Minister for Urban Services. Minister, page 70 of the latest state of the service report notes that, at 30 June 2004, urban services had 1,124.27 full-time equivalent staff. Yesterday you stated that, as a result of a restructure, the department will be reducing its headcount by 80 full-time equivalent positions, down from 1,086 to 1,006. So you have already mislaid, on that, 38.27 full-time equivalents. Urban services employs about 171 contract and casual staff. I am told that, for example, the Canberra Connect shopfront sources a lot of its staff from a local labour hire firm. Will the department be shedding casual and contract staff as well as the 80 permanent positions?

MR HARGREAVES: I thank Mr Stefaniak for the question. My advice is that, in recent times, and the times on which our decisions were based, the full-time equivalent staffing of the Department of Urban Services was 1,086. I will take the numbers Mr Stefaniak has quoted on notice and have a reconciliation done on that. There can sometimes be confusion in the nature of counting, where we start to count casuals and contract staff and all that sort of stuff. I will make sure that the numbers we talk about are consistent. It is the intention that the Department of Urban Services will reduce by 80 full-time equivalent staff. I have said that a number of times before. The nature of that shedding will be the subject of the total restructure process within the Department of Urban Services.

I have said this before: we need to go away from this antiquated idea that we inherited from the Liberal Party that we have silos contracting services to each other through the purchaser/provider system. We need to provide services to the people of the ACT, not to contract management when it is unnecessary. The total restructure of the Department of Urban Services will reveal the extent to which that reduction will be made. It can be made in a number of ways. It can be made by voluntary redundancies—we have said that before—it can be made through restructure through the redistribution of tasks; or it can

be made through a combination of, for example, permanent part-time work and job sharing. There is a whole range of issues. It is limited only by the imagination of the staff.

I congratulate the staff on the way they have embraced this change. This is a very forward thinking change. Of course, I have met probably 75 per cent of my staff and those opposite I do not think know more than about 20 between them. The conversations I have had directly with the staff, the unions and management in terms of the process of change have indicated that there is a very positive attitude towards this. Unlike those opposite, the staff of the Department of Urban Services are particularly proud of the service they provide to the people.

MR STEFANIAK: Mr Speaker, I wish to raise a point of order. The minister is giving a long and rambling answer; he is not really sticking to the point.

MR SPEAKER: Mr Stefaniak, you and I both support the standing orders, which allow five minutes to answer these questions.

MR HARGREAVES: Thank you, Mr Speaker. Mr Stefaniak would know, because I presume he has spoken to one or two people from that department, that they are proud of the service they give to the people of the ACT. They want to provide more and better services. They have embraced this need for change and they recognise that the change in work practices will result in some reduction in full-time equivalent staffing. As I have said before, there will be that figure of about 80—and I imagine it is 80. The actual figure, of course, will result from the total restructuring process involving the staff, the unions, management and everybody in the ACT, bar those opposite.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, will you guarantee that none of the casual staff at the Canberra Connect shopfronts will lose their jobs as a result of the restructure and cost saving exercises?

MR HARGREAVES: There will be no involuntary redundancies.

City West master plan

DR FOSKEY: My question is to the Minister for Planning. The City West master plan states that "a broad social mix of residents requires affordable housing" and that "the government will aim to ensure that a minimum of five per cent of residential accommodation will be offered for low and medium income earners". Yet, in answer to question on notice No 23 of the estimates hearings, we were advised that there was no guarantee of the government reaching five per cent affordable housing in Civic west, and when it came to accommodating a social mix we had our attention drawn to the ANU's commitment to providing student accommodation. Given that the student accommodation is not in itself likely to provide the broad social mix of affordable housing that the master plan commits the government to pursue, how will the minister ensure that the accommodation promise is delivered?

MR CORBELL: I thank Dr Foskey for the question. The City West master plan does outline a commitment to try to achieve a broad range of people living in the City West

precinct: owner occupiers, renters, people who require affordable housing and a range of other demographic groups. That is still the government's objective.

The agreement that the territory has entered into with the Australian National University, who have engaged Baulderstone Hornibrook to develop the City West precinct outlined in the agreement the territory and the ANU have entered into, will be the mechanism through which we will strive to ensure a broad range of housing types, including affordable housing. The ANU's process will be to develop sites in a sequential way in City West and, as part of the development assessment process for each of those sites, the planning authority will be seeking to ensure that the objectives of the City West master plan are met, including the objectives of affordable housing.

Obviously, there is a range of development types possible in the City West precinct. Those include student accommodation, commercial development, residential development, cultural uses and so on. As each individual development proposal comes forward, the planning authority and the government will be seeking and exploring every opportunity to have a mix of affordable housing made available as part of a development proposal, if that is at all feasible. This will involve detailed negotiation with the Australian National University to achieve that.

It is probably worth making the point, of course, that student housing is a particular housing type in demand in the ACT and I am pleased that the government is in a position to be able to respond to that through the City West master plan and the agreement we have with the Australian National University. The provision of student accommodation in City West is important. It is the first proposal that the ANU are progressing in the precinct and it will see many students living close to the city and closer to the services and facilities that the city has available and bringing life and activity to what is currently a fairly large area of car parks separating the ANU from City West. So our objectives are starting to be met, but more work is to be done and that will be done incrementally as each development proposal from the ANU comes forward.

It is also worth making the point that my colleague Mr Hargreaves will also be providing a report to the Assembly on the provision of affordable housing in the territory. The government continues to remain focused on this important issue and we pursue every avenue we can to ensure that greater levels of affordable housing are made available to the Canberra community.

DR FOSKEY: I have a supplementary question. Can the minister provide evidence of other existing developments in Canberra where a broad social mix of affordable housing has been delivered and the funding and development strategies that were used to deliver it?

MR CORBELL: I am not responsible for housing policy. That is a matter for my colleague Mr Hargreaves.

Fire management unit

MRS DUNNE: My question is to the Minister for Police and Emergency Services and Minister for Urban Services. Minister, as you would know, recommendations 31 and 32 of the McLeod report recommended that public land managers like urban services should

initiate the first response to fires on land that they manage, and this resulted in the establishment in the Department of Urban Services of the fire management unit, which does a very fine job. Minister, is it the case that the fire management unit is to be abolished and that some staff will be transferred to other positions or lose their jobs as a result? If so, why?

MR HARGREAVES: Mr Speaker, I am not aware that the fire management unit will be abolished, in the same way that I am not aware that a whole stack of other things are not going to happen. Mrs Dunne has come up with a Baldrick-like very cunning question. I have to say—

Mr Pratt: And what is the answer or is there an answer?

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: Mr Speaker, a lesson that we learnt from those dreadful bushfires in 2003 is that we need to be organisationally prepared as well as materially prepared for such catastrophe. What is happening as the Emergency Services Authority evolves—and remember, Mr Speaker, it is just under a year old—is that we now have a focus on such things as fire mitigation on the urban edge. We have got such things as the strategic bushfire management plan. We have things like the abatement zone. We have a whole range of issues.

What we have within the governmental structure is a whole series of land managers; intricately connected with those are fire management units. The efficacy of those units as part of a total fire response is constantly looked at. The interrelationships between the fire management units, the forestry units, the rural fire service, the ESA itself and the urban fire response through the fire brigade are constantly being reviewed and looked at in order to improve. If Mrs Dunne is saying, "What are you doing, you nasty person? You are abolishing things," my answer to her is that we are making sure that we do not suffer the same consequences as we did last time.

MRS DUNNE: Mr Speaker, I ask a supplementary question. Will the minister be able to guarantee that the fire management unit—a direct recommendation of the McLeod inquiry—will not be abolished at any time in the foreseeable future?

MR HARGREAVES: Mr Speaker, I can guarantee the community, through the Assembly, through your office, that the facilities, the assets, that the Department of Urban Services has within its control, and its responsibility to the community of the ACT, will be properly protected.

Phillip Oval

MS MacDONALD: My question is directed to the Minister for Economic Development in his capacity as Minister for Sport and Recreation. Can the minister update the Assembly on the government's plan to upgrade Phillip Oval?

MR QUINLAN: This is one of the budget measures mooted before the budget was brought down that pretty well had universal support. If people had recently been to this

facility and had seen its condition, they would accept that the Phillip Oval needs quite significant remediation.

Phillip Oval is a community asset. Under the previous arrangements for its operations, it was left in disrepair. This government has since changed those arrangements. The alternative would mean that the place was unusable. As an unusable facility it would then degenerate much further. There was universal agreement—at least from anybody who takes an interest in it—that it ought to be repaired and restored. That work includes the oval surface itself, the lighting, the landscaping around the place, the change rooms, the scoreboard and the general amenity of the facility.

The level of support for the restoration of Phillip Oval included support from the Deputy Leader of the Opposition, who thought that it needed an upgrade. That was a fairly astute observation on his part. It comes as a surprise that Mr Mulcahy and Mr Seselja believe that it should be a very low priority. If that community asset is not taken care of—if it is unused and left to lie idle—it will degenerate at a very rapid rate. To a large degree it has already been vandalised.

In answer to a previous question, I pointed out the division of opinion on the other side of the house. Here is another example. The Deputy Leader of the Opposition advocates that the oval be restored and a couple of other members of the opposition are saying, "Put it on the bottom of your list. You've spent too much money anyway." From that, one would infer that they are saying, "Don't do it".

Across the road there is confusion about direction. It will be very interesting to see how the Liberal Party votes in future debates. Will those opposite say to the various communities that want to use Phillip Oval, "No, it's not part of our policy. No, it shouldn't happen."? Or will they say, "What we heard from Mr Mulcahy and Mr Seselja is rubbish. That in fact is part of Liberal policy and we stand by Mr Stefaniak."?

As I said before—I think we will say it again—we see a diversity of policy coming out of one source. Recently I saw written in a paper the old saying: a fish rots from the head. If you see divisions such as this and the previous division that I pointed out today, you can find one source—

Mr Stefaniak: He's sitting behind you.

MR QUINLAN: If only I had time. It is quite obvious that there is a problem. It has been said that democracy needs an effective opposition—we ain't got one at the moment.

Emergency Services Authority

MR SESELJA: Mr Speaker, my question is to the minister for emergency services. Minister, why did you seek payments from the Treasurer's Advance in May and June this year for the Emergency Services Authority for unforeseen operational expenditure totalling a whopping $3.4 million? What exactly were these millions of dollars in unforeseen expenditure for? Why was this spending not provided for in the original 2004-05 budget or subsequent appropriations?

MR HARGREAVES: I believe that that question was adequately canvassed and catered for within the context of the estimates committee responses.

MR SESELJA: Mr Speaker, I have a supplementary question. Is the Emergency Services Authority able to operate within its budget? If so, why were these advances sought? If not, why not?

MR HARGREAVES: It is my understanding that the officials provided the estimates committee with a listing of those unforeseen items. The issue of whether or not any agency within the government can work within its budget is a matter for management by that agency and by me, and for examination in the due processes of this place.

Public housing

MRS BURKE: My question is to the Minister for Disability, Housing and Community Services. Minister, *Today Tonight* last night aired a story regarding convicted criminal David Eastman, which highlighted that Mr Eastman still has a public housing property in the ACT. Minister, what do you intend to do as housing minister about this tenancy agreement?

MR HARGREAVES: I did not see that program last night. I am surprised that Mrs Burke has got that much free time that she can do so. Could I also say to you, Mr Speaker, that I normally do not talk about individual cases, but this particular issue has been canvassed in this place ad nauseam. It was canvassed, in fact, by us when we were in opposition.

I can say this much. Firstly, when we enter into tenancy agreements with our tenants, we enter into legally binding contracts. Secondly, the case of Mr Eastman is still before the courts. He is still before the courts. If Mrs Burke is suggesting that every time a person appears before a court and is remanded in custody we promptly terminate their tenancy, she should be ashamed of herself. The tenancy agreement—

Ms MacDonald: Mr Speaker, I raise a point of order. I just heard Mr Pratt interject with, "That is a lie." I ask him to withdraw that.

Mr Pratt: Mr Speaker, I did not say that at all.

MR SPEAKER: I did not hear this. Mr Pratt, cease your interjections!

MR HARGREAVES: Continuing on, the arrangements we have with our tenants are legally binding documents. People have a right to security of a home. Mrs Burke would have us remove the security of a home from people. When a person is remanded in custody, whether it is just on remand or whether it is part of a sentence that is subject to appeal, the matter has not been concluded by the courts. I do not propose to recommend that the department, through the Commissioner for Housing, make any decision regarding people's tenancies until such time as judicial proceedings have run their full course.

MRS BURKE: I have a supplementary question. Why is the government failing to act on a situation where a man who has been convicted and is now serving a life sentence for murder and a person on a six-figure salary are both entitled to an ACT Housing property while battlers are waiting years for a place to live?

MR HARGREAVES: I have to respond to that. The first thing is that the government is not failing the people of the ACT. Secondly, I suggest that Mrs Burke give us all a look at her copy of her application for employment with Redneck Radio.

Charity bins

MS PORTER: My question is to the Minister for Disability, Housing and Community Services. Can the minister inform the Assembly of the results of the recent crackdown on charity bin dumping around Canberra?

MR HARGREAVES: I thank Ms Porter for her question and her interest in a matter that impacts on some of the most vulnerable members of our community and those trying to assist them. I announced the beginning of the campaign against charity bin dumping on 10 May, when it was apparent that illegal dumping around charity bins was still on the rise, in spite of continuing efforts by government and charity organisations to address the problem through public education.

As members will be aware, the Litter Act 2004 allows for stronger enforcement that enables us to get tough on illegal dumpers. That includes the issuing of on-the-spot fines for people who break the law by dumping items around charity bins and adjacent areas. As part of the crackdown on these illegal dumpers, city rangers targeted illegal dumpers after dark and on weekends and those caught were issued with minimum fines of $200 on the spot. A new sticker advising residents about the penalty for illegal dumping and the fact that the areas were being patrolled was also produced and displayed on charity bins.

I am very happy to report that this crackdown has proved extremely successful. In the short time since the beginning of the campaign, charity groups have reported a significant reduction in illegal dumping around their bins. The Smith Family has reported a 50 per cent reduction. The Salvation Army a 70 to 80 per cent reduction and Oasis Care a massive 90 per cent reduction in the amount of dumping around their charity bins.

Fifteen $200 on-the-spot infringement notices have been issued so far to people caught illegally dumping. We are seeing here enforcement and education working together. People are becoming aware of the risk they are taking in dumping these goods and those doing it are getting caught. It is serving a lesson to others and they are stopping the practice.

Charities do a wonderful job helping the disadvantaged in our community. Illegal dumping places an undue burden on their operations and on the environment through the costs incurred in collecting and disposing of dumped items. The campaign undertaken by the government through the Department of Urban Services has significantly reduced this burden.

MS PORTER: I have a supplementary question. Can the minister inform the Assembly as to the views expressed on this initiative in the community?

MR HARGREAVES: I am happy to report that this initiative of the government has been welcomed by charity groups across Canberra and the community at large. I was joined by Anglicare, the Smith Family, the Salvation Army and others at the launch of the campaign, where they expressed their support for the crackdown. Jim Hazelhurst from the Salvation Army also spoke to the media, following my announcement of the success of the campaign, outlining the extreme reduction in dumping that has occurred as a result of this initiative.

I thought everyone was in agreement that our charities should not bear the burden of having to remove this junk from around their bins and that this continuing crackdown is a positive thing. However, there seems to be a variety of views from the other side of the chamber. There seems to be a consistency in inconsistency.

Mr Quinlan: Not another inconsistency. Oh, no!

Mr Smyth: What, on Totalcare!

MR SPEAKER: Order! Both sides of the house will come to order. Mr Hargreaves has the floor.

MR HARGREAVES: Mr Pratt, despite calling on the government, through a media release in April, to do "more than just talk" when it comes to cracking down on illegal dumping and stating that the opposition had concerns about "illegal dumping, littering and how detrimental it is for the ACT's appearance," said in a media release dated 7 June that the crackdown on illegal dumping around charity bins is "another clear case of the government's misdirected priorities," despite welcoming the campaign I launched in May.

Mr Speaker, that is staggering inconsistency on the part of the man who presents himself as the alternative Minister for Urban Services. He is a man who sees charity bin dumping as "a relatively minor problem". Illegal dumping costs some charities up to $50,000 a year, money that they could be using to support the needy and the disadvantaged in our community.

Mr Speaker, on this occasion it seems that Mr Pratt has contradicted not only himself but also his colleagues. Hullo, here we go again! In a media release dated 12 January this year, Mr Pratt's colleague Mrs Jacqui Burke issued a media release expressing "dismay and a growing concern" at the level of dumping in and around clothing bins. She called on me to consider "imposing stiffer fines in the ACT for people who are caught dumping rubbish in this manner, as it is not only costly but it is also a health and safety issue for volunteer workers". Mrs Burke is not so dismissive of the plight of our charities.

The opposition is obviously divided on this issue, despite the fact that charity organisations have welcomed the government's actions and reported a serious drop in the level of dumping. The community at large, as well as charity organisations involved in working with the government on this campaign, have welcomed these results and the

initiative shown by the government. This campaign has been a direct result of community concern for the charities that work daily to help the vulnerable and less well off in our community.

To say that this problem is minor and to criticise the government over such a positive and successful move is appalling and in voicing this criticism Mr Pratt has contradicted himself and his colleagues. I would like the Assembly to know which of those two contradictory views the Leader of the Opposition supports, because it cannot be both of them.

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

Timor-Leste

MR GENTLEMAN (Brindabella) (3.36): I move:

> That this Assembly:
>
> (1) reasserts the importance to the City of Canberra of the Friendship Relationship with the District of Dili, and in the spirit of mutual respect and cooperation with the people of Timor-Leste;
>
> (2) notes the progress made in talks between the Australian Government and the Government of Timor-Leste over maritime boundaries and Timor Sea resources last week;
>
> (3) recognises:
>
> (a) that the development of Timor Sea resources has the potential to contribute significantly to Timor-Leste's development and economic self-sufficiency;
>
> (b) that industrial development will provide an economic future for Timor-Leste, guaranteeing skills and income for the nation's people; and
>
> (c) the importance of sovereignty to Timor-Leste in the negotiation of a permanent maritime boundary; and
>
> (4) urges the Australian Government to conduct ongoing negotiations in good faith, and to consider the economic and political sovereignty of Timor-Leste as of paramount concern during negotiations.

When I placed this motion on the notice paper some weeks ago, negotiations between the federal government and the government of Timor-Leste, East Timor, over the oil and gas resources in the Timor Sea and the maritime boundary between the two countries were still continuing. Official negotiations are still under way, though it has been reported that after a further three days of negotiations in Dili there has been "substantial agreement on all major issues".

That is a pleasing outcome, firstly, because the agreement appears to guarantee substantial income to the fledgling state from the oil and gas resources in the Timor Sea and, secondly, because the capacity of the East Timorese government to progress its

program of development is now more secure. The motion has perhaps lost some of its momentum but it has not lost its relevance. Negotiations will continue, both for finalisation of the interim agreement and for the final determination of maritime boundaries.

It is fundamentally important that the Australian government, present and future, continues to conduct negotiations in good faith with our nearest neighbour and the most recent entrant to the world community. It remains fundamentally important that the people of East Timor, with whom the Canberra community is building a profound and meaningful relationship of cooperation and mutual respect, can see our support for their cause and for the future development of their nation, their economy and their society.

On 7 June 2004 the ACT Chief Minister, Mr Stanhope, travelled to East Timor to sign a friendship agreement with Mr Ruben Joao Braz de Carvalho, the district administrator of Dili. The agreement sought to formalise the relationship of friendship and mutual respect between the two communities—the Canberra community and the Dili community of Timor-Leste.

A commitment to "practical exchanges designed to deepen friendship and promote goodwill" between our communities sets us on the path to a culturally, socially and historically important relationship with the people of Timor-Leste. This relationship has been demonstrated in a number of practical and ongoing ways, particularly in educational activities. A collaborative agreement was signed between the CIT and the Dili Institute of Technology in November 2003 which provides very practical advice and support for the development of vocational education and training facilities and services in Dili.

The Canberra Friends of Dili have also been instrumental in facilitating and encouraging youth sporting projects between the two communities. Currently, an Australian youth ambassador for development, a sponsored volunteer from the Canberra Friends of Dili, is working with the Dili district administration in developing a school exchange program. This relationship has already extended beyond social and cultural ties to the provision of real practical support for building sustainable infrastructure. This relationship encourages us all to engage in meaningful debate about the future of this newly independent nation and about the role we can play in supporting our friends in Dili and beyond.

The precursor to the current negotiations between East Timor and the Australian government about maritime boundaries, and thus control over oil and gas deposits in the Timor Sea, was an Australian withdrawal from the maritime jurisdiction of the International Court of Justice and the International Tribunal on the Law of the Sea. Two months before East Timorese independence on 25 March 2002, the Howard government's decision to withdraw suddenly and in secret both flouted our commitment to international dispute resolution and robbed the East Timorese of the ability to seek international arbitration of the maritime boundary dispute.

Catholic bishop Hilton Deakin has been reported as saying:

> The way in which our governments have behaved in the past in ignoring jurisdictions by withdrawing from them, redefining boundaries and redefining

> principles about boundaries, is nothing short of a very sophisticated way of depriving the people of what nature gave them.

Bishop Deakin recognises that the actions of the Australian government in withdrawing from international jurisdiction in relation to maritime boundary disputes are denying the East Timorese both their sovereign territory and their right to defend it.

The issues of sovereignty and recognition in international law for the fledging nation of East Timor are understandably important after 25 years of Indonesian occupation and a history of colonisation by the Portuguese. The estimated $41 billion value of the oil and gas deposits, the subject of current and ongoing negotiations, could be crucial to the economical development of the country. These negotiations have occurred in the context of much work by committed and enduring activists and supporters of a free and independent East Timor.

From the campaigns in Australia, the contributions and involvement of unions, community organisations and business, and across the world, activists once committed to seeing an end to Indonesian rule in East Timor now demand an equitable resolution of this dispute and a real opportunity for the country and its people to flourish. The Australia Council of Trade Unions has called on the federal government to ensure that East Timor receives its fair share of benefits. This follows long-running union campaigns for a free and independent East Timor and persistent work to ensure the labour and living conditions of the East Timorese in the independence process.

Mr Speaker, in March of this year the Prime Minister received a letter from representatives of the United States Senate and House of Representatives which said:

> We urge Australia to move quickly and seriously to establish a fair, permanent maritime boundary with Timor-Leste, based on the rule of law and respect for the sovereignty of both nations ... An equitable sharing of oil and gas resources would enable Timor-Leste to provide better health care and other essential services to its citizens.

The eyes of the world are clearly upon us once again as we undertake these negotiations, just as they were when Australian peacekeeping forces formed a vital part of the UN operation prior to independence and during the transitional government. Let us put the money where the hungry mouths are. In building this newly formed nation and in recognising the desperate need for finance to rebuild and develop this nation, let us realise the opportunity presented to them by recognising sovereignty over the resource-rich area.

This decision should not be in our hands, but it is. Let us take it and do something decent with the situation at hand by recognising Timorese sovereignty over the Timor Sea. The onus is on Australia and on our government to undertake these negotiations in good faith and as good international citizens. We must recognise our position of power and, rather than exploiting it, we must recognise the power we have to make a positive and just contribution to the social and economic development of East Timor. We can do this by respecting international law and we can do this by recognising an equitable maritime boundary.

The significance of the development of the oil and gas resources to the East Timorese economy is difficult to overestimate. The Greater Sunrise field alone has an estimated 225 billion cubic metres of gas and up to 300 million barrels of condensate. It has been suggested that final agreement between Australia and East Timor will pave the way for Woodside's LPG project, valued at an estimated $A6.6 billion.

The future of these developments has been put at risk by the length of negotiations and it is important to bear in mind that this risk has been hanging over the head of negotiators throughout this process. The development of these resources is essential to the rebuilding of the East Timorese economy and to ensuring its future independence from foreign aid. The $A5 billion of addition revenue going to East Timor from the Greater Sunrise project will certainly aid this process and set the newly independent nation on a path of economic development. While not the estimated $A9 billion value of the field, this negotiated amount represents a significant shift on the part of the Australia government to recognise the importance of this revenue to East Timor and its legitimate claim over the fields.

There is a lingering concern that the resources of the Sunrise field are worth far more than the estimated amount—up to four times as much as the publicly recognised figures. This remains to be seen. It is apparent that the impetus in negotiations was forgoing the stalling of development. These problems appear to have been overcome by the process of negotiations and the reaching of a preliminary agreement.

It is important that this agreement appropriately reflect the value of East Timor's petroleum resources. The other day, foreign minister Downer said in response to protests:

> Australia isn't just a charity. The Australia government and the Australian people have their own interest and they have to be protected as well.

No-one is denying that, Mr Downer. But for the campaigners for a free and independent East Timor, both overseas and in Australia, Australian support for the fledging nation is essential.

In supporting the independence of East Timor, it is only fair that we support a fair and legitimate outcome. Throwing our weight around in the region is not going to win us friends, nor ensure just outcomes for the East Timorese. There is a dangerous perception that we have been doing just that, arising from the interim agreement signed in 2002 which gave Australia 80 per cent of the royalties from the Greater Sunrise field. This has been partially rectified, and "rectified" is the right word. We are not talking about charity; we are talking about justice.

East Timor has an annual budget of around $100 million. More than 50 per cent of the adult population is illiterate and life expectancy is more than 20 years below that of Australia. Twelve out of every 100 East Timorese children will die before the age of five. East Timor has the highest maternal mortality rate in the region. The revenue from oil and gas in the Timor Sea will have a major impact in allowing East Timor to address overwhelming levels of poverty, illiteracy, preventable disease and widespread hunger and malnutrition. This revenue will help fund basic services such as health and education

in the newly independent economy. This is not about charity; it is about a fair go. It is about ensuring that the people of East Timor have a chance to thrive and flourish in independence and it is about ensuring justice for the East Timorese and respect for their sovereignty and their goals.

In response to the round of advertisements timed to coincide with Anzac Day commemorations which were funded by Melbourne businessman Ian Melrose, foreign minister Downer has once again muddied the waters of this debate. To set the record straight, the 90 to 10 split to which Mr Downer refers relates to the temporary resource sharing arrangement, which includes only one-third of the contested oil and gas resources. I would agree that in this instance Australia has been generous, but a moment of generosity cannot pave the way for a century of injustice. Australians must be able to engage in open and honest debate about our own economic interests and our commitment to a free and independent East Timor.

In this important agreement it is also important that our governments are accountable to the people of East Timor and to the people of Australia. It is in this spirit of accountability and openness that we have forged the relationships between our community and that of Dili and it is important that this is reflected in our government and in our administration.

Colleagues, this is not an issue of party politics. In the New South Wales parliament last year a similar motion moved by Greens MLC Lee Rhiannon received unanimous and cross-party support. I urge members of the Assembly to do the same today. Canberra has a proud history of a strong and vibrant relationship with the people of East Timor and in particular Dili. Let us recognise and celebrate that relationship in the Assembly today and extend a hand of friendship across the Timor Sea by supporting a real and tangible means of economic, industrial and social development in East Timor. I urge you to support the motion.

MR SMYTH (Brindabella—Leader of the Opposition) (3.49): Mr Speaker, it is important that we have debate on motions such as the one before us, although I would have thought Mr Gentleman might have been better off moving a motion on the fate of Totalcare workers than dredging up what is happening in the Timor Sea. But such is life.

Mr Speaker, it is most important to put on the record what the people of Timor have said about this issue. East Timor's foreign minister, Dr Ramos Horta, said after negotiations in Sydney from 11 to 13 May that they had made "substantial progress towards a new agreement" and this had "put our two nations on the threshold of a new era in bilateral relations and economic cooperation".

My understanding is that the agreement is largely completed and that it is simply awaiting a final sign-off because Prime Minister Alkatiri of East Timor and several of his ministers have been travelling overseas. I also understand that both countries hope to finalise the deal as soon as possible so that work on the Greater Sunrise joint venture project has the best possible chance of recommencing. Prime Minister Alkatiri was quoted as saying last Friday, 17 June, that he is satisfied with the deal. If there was some angst from the Timorese, I am sure they would be making their position known. Mr Gentleman said at the beginning of his speech that there had been a loss of momentum and relevance, and perhaps he is right.

Mr Speaker, the motion is made up of four elements. Paragraph (1) says that we should reassert the importance to the city of Canberra of the friendship relationship with the district of Dili and, in the spirit of mutual respect and cooperation, with the people of Timor-Leste. It is interesting that the word "reassert" is used. Its use would suggest that things had gone off the boil and that the people of Canberra do not know or are not interested in the friendship relationship with the district of Dili. I do not believe that is the case. If it is the case, then that is the fault of the government. The government is responsible for administering this agreement with the district of Dili and, if the government has not been doing its job, Mr Gentleman should be thanked for bringing it to the attention of the Assembly. "Reassert" is an interesting word to use, Mr Speaker.

I note that Mr Gentleman said that the Chief Minister visited East Timor. We helped them with their embassy, we have a CIT agreement with them and there has been some sporting cooperation, but it would be interesting to hear from one of the ministers on exactly what we have done and what we intend to do in the future to work on the relationship with the district of Dili.

I am sure that Mr Gentleman really wanted to talk about what the federal government is doing. Of course, we do not have control over the federal government and international negotiations. So this is another one of the Trojan horse motions that the Labor Party move all the time when they want to kick the federal government. That is politics and we get used to it. But, Mr Gentleman, issues like the Totalcare workers losing their jobs are probably more relevant to you and certainly more relevant to them.

MR SPEAKER: Not very relevant for this debate, though.

MR SMYTH: That is an interesting point, Mr Speaker. You make comparisons for the purpose of context.

Paragraph (2) of the motion notes the progress made in talks last week between the Australian government and the government of Timor-Leste over maritime boundaries and Timor Sea resources last week. Obviously, the member modified his original motion but, according to reports, it would seem that both Australia and Timor-Leste are happy with the progress of the negotiations. At least that is what Prime Minister Alkatiri of East Timor has been saying and what his foreign minister has been saying. So I think it is worth noting the progress that has been made. It is also worth noting in this place what has been said in relation to the federal government and the government of Timor-Leste. Ramos Horta said that we are on the threshold of a new era in bilateral relations and Mr Alkatiri said that he is satisfied with the deal. So I thank Mr Gentleman for bringing paragraph (2) to the notice of this place.

Paragraph (3) (a) refers to recognising that the development of the Timor Sea resources has the potential to contribute significantly to Timor-Leste's development and economic self-sufficiency. I think we all recognise and agree with that. Paragraph (3) (b) notes that industrial development will provide an economic future for Timor-Leste, guaranteeing skills and income for the nation's people. I think we all recognise that as true.

Paragraph (3) (c) refers to the importance of sovereignty to Timor-Leste in the negotiation of a permanent maritime boundary. In saying that, Mr Gentleman is implying

that we should throw out all the rules for negotiating international boundaries and that we should do it his way because he thinks that it is better. Let us look at the rules of negotiation. The question is: do you negotiate or do you litigate? Over the last couple of years, Australia has settled other maritime disputes in the way that it is doing it now, by negotiation. We have done it with Papua New Guinea, with Indonesia, with France and more recently with New Zealand. We have done it by negotiation and that is what Australia is doing now. This is the established way to do it. You can go through the litigation process, but I do not think that anybody wants to do that.

Let me say some things about international law. These are things that motions such as the one before us never reveal. That is why we as an opposition are here; we are here to put on the record the truth of the matter. International law does not require that all overlapping maritime claims are to be resolved by a median or equidistant line. You do not just draw a line down the middle and say, "That is fair." Nobody expects any nation to abide by that. That is why we have the process of negotiation.

The United Nations Convention on the Law of the Sea says that equitable solutions will vary according to the particular circumstances of the case at hand and effectively no two delineations are ever the same. In an article in the *Sydney Morning Herald* of 25 May 2005, Dr Natalie Klein of the Macquarie University said:

> It is extremely unlikely that an international court would favour the use of the median line between Australia and East Timor.

So you have to look at the factors that militate against the median line. Australia's case is based on the claim that we have applied to all our borders; that is, where our continental shelf lies, where the platform that is mainly Australian extends to. We have applied this against the French, Papua New Guinea, Indonesia and New Zealand. We are applying it in the same way, consistently, with Timor. That is how it should be, Mr Speaker. It should be done on an equitable basis.

The fourth part of the motion is of concern and I have an amendment that I will move to it. Paragraph (4) states:

> urges the Australian Government to conduct ongoing negotiations in good faith, and to consider the economic and political sovereignty of Timor-Leste as of paramount concern during negotiations.

The Australian government was elected by the Australian people to protect Australian interests and to look after the Commonwealth of Australia. Mr Gentleman of the Australian Labor Party wants the government to put that aside and say that our paramount concern is the sovereignty of Timor-Leste.

Let us look at the history of what this country has already done for Timor, and we have done a lot. No-one will forget and should ever forget the six Canberra AFP officers who went back into the Red Cross compound and reversed the whole flow of Western nations leaving Timor to its fate. Those six officers did an extraordinary job. Then, consequently, the Australian and United Nation forces came in. Timor is there today because of the actions of this country. So let us not say that Australia and its government do not have in mind the interests of Timor, because they have. But it is not our job to make them of

paramount concern to us. The paramount concern of the Australian government is the Australian people.

What have we done since then? We have provided $400 million in official development assistance since 1999. We have included support for multilateral trust funds. We have given assistance in areas of government, education, health, water supply, sanitation and rural development as well as some budget support. We talk with them on a regular basis and we look at how we can assist them. The government has recently undertaken to provide around $40 million in assistance annually over the next three years.

Australia is one of Timor-Leste's largest donors of development assistance and will continue to be so. So do not say that we do not support Timor because that is not true. Do not twist the words. For goodness sake, please do not ever say that the Australian government should abandon the responsibility for which it was elected, which is to represent the people of Australia. That is like us passing a motion saying that we should oppose something that is going on in Victoria or we should support the Queensland government in their role of doing something against an ACT company.

Let's face it: we are elected to represent our jurisdictions. Ultimately the federal government is here to represent the people of Australia. I ask Mr Gentleman to explain why he thinks that we should give somebody else's concern paramount consideration in our negotiations. I think we are all concerned to ensure that Timor-Leste gets off to a good start. I think we are all concerned to ensure that they get the funding that they deserve. But let us look at some of the things that are being said.

I believe that the recent advertisements that have been spoken about are misleading. I am told that the claim that Australia has stolen $2 billion from East Timor is false and disingenuous because Australia has thus far received only about $15 million in revenue from the areas that are still under negotiation. It is beyond me how anyone can say that we have already stolen $2 billion when all we have received is $15 million across something that is still being negotiated. We all get excited about advertising campaigns, but I am told that the amount is $15 million, not $2 billion.

There are some interesting things here. The Timor Sea treaty already gives East Timor 90 per cent of the production from the joint petroleum development area. That is far more generous than the old arrangements in the former Timor Gap treaty with Indonesia, where there was a 50:50 split. So let us tell the full sorry here, not pick out bits and pluck heartstrings. We all have sympathy for Timor, but let us tell the full story.

The development of resources in the Bayu-Undan field is proceeding and Timor is getting significant benefit from it already. It is estimated that East Timor will receive $14½ billion in revenue over the 20-year life of that field; that is, about $2 million a day will go to Timor. If you look at these agreements you will find that the Greater Sunrise IUA legislation—Mr Gentleman might enlighten us on this—was passed in the Australian parliament on 29 March 2004. It would be interesting to know how the Labor Party voted in that case.

Mr Speaker, I think we need to look at the history of this matter. Who was in office in 1975 when Timor was annexed by Indonesia? It was a matter of a nod and a wink and saying, "It will be okay. We understand what our northern neighbour is doing." The

same party is now bleating that we need to look after Timor. Remember what happened in 1980 when "Biggles" Evans toasted his Indonesian counterparts in a plane over the Timor Sea as they celebrated the Timor oil treaty that was signed by the then Labor government and the Indonesians. There was no interest in Timor then. No, there was "Biggles", drinking champagne in a plane over the Timor Sea and saying, "Timor? Timor what? Timor where? Timor—oh, we must have forgotten about them." We now have this feigned interest in Timor by Mr Gentleman, whereas history shows that one has to question what the Labor Party stands for on the whole issue of Timor.

Mr Speaker, I move the following amendment circulated in my name:

> Omit paragraph (4).

I urge members of the Labor Party to look at what Mr Gentleman is actually saying in paragraph (4) of his motion. Do they believe that the interests of a country not our own should be of paramount—that is, supreme, pre-eminent and ultimate—concern? We are being asked here to approve the putting of another nation's concerns before our own. We should be concerned about the effect of our actions on other nations as we should be concerned about the effect of their actions on us. But Mr Gentleman is asking that we as an Assembly tell the Australian government that its paramount concern during negotiations should be for somebody else's country.

I put to the Assembly that it is an appalling thing for an elected representative in an Australian parliament to be saying that somebody else's interest and not our own should be paramount—number one, supremo, pre-eminent, first—and that somebody else should be put first when we are elected to represent our jurisdictions and the commonwealth government is elected ultimately to represent us as a country.

Do not misrepresent me and say that I am against providing assistance to East Timor because I am not. But our role is to look after those people who elected us. I think we have a good influence and we should certainly assist in whichever way we can to make sure that things will occur to the benefit of both.

Mr Speaker, we can support paragraphs (1), (2) and (3) of the motion. I note that really paragraph (1) is a Trojan horse. I am sure we will see lots of these sorts of motions because they give members some sort of opening to beat up the federal government in areas in which we do not have direct ministerial responsibility. It is a shame that they do not have more interest in matters happening in one of our own departments with the sacking of Totalcare workers.

As I said, we can support paragraphs (1), (2) and (3), but I would ask Mr Gentleman to withdraw paragraph (4). I believe the Australian government does negotiate in good faith. If Mr Gentleman can prove that this is not the case, then do so. I believe that the Australian government should never surrender its paramount concern for the Australian nation and the Australian people. As I say, Mr Gentleman should withdraw the fourth part of his motion.

DR FOSKEY (Molonglo) (4.05): I would like to speak to the motion and Mr Smyth's amendment. First of all, I will speak to Mr Smyth's amendment. I feel that Mr Smyth has ignored one very important word in paragraph (4) of Mr Gentleman's motion, which

refers to the need to consider the economic and political sovereignty of Timor-Leste. Sovereignty, as I think everyone is well aware, is the key feature of international relations. Since 1648, when the Treaty of Westphalia was signed, the sovereignty of nations has been the core underlying theme of relations between states. Paragraph (4) does not say anything about putting the economic and political interests of Timor-Leste first. That is a different matter. I might have some quibbles about the wording. I do not think that paragraph (4) is as clear as it could be. Some people—

Mr Hargreaves: I take a point of order, Mr Speaker. I draw your attention to the rabble interrupting Dr Foskey's speech.

MR SPEAKER: There are too many conversations going on. Dr Foskey has the floor.

DR FOSKEY: Thank you. I just wanted to say that I will be supporting paragraph (4) of the motion. I will support the whole motion, although I do have some issues to raise about the ACT's commitment to its friendship agreement with East Timor. I think we already know that the federal government, as has been re-expressed today by Mr Smyth, is able to explain its negotiations with East Timor over the oil and gas fields in ways that put its side of the negotiations in the best light. I have contact with East Timor NGOs which are working very hard to try to get an understanding in Australia of what this means.

Mr Smyth asked, when he was misinterpreting paragraph (4) of the motion, why Australia should consider the interests of East Timor above its own. That was his take on the issue. I would not have quibbled if the fourth paragraph of Mr Gentleman's motion had said that in regard to this issue. The reason for that is that, despite people taking to the streets in 1999, Australia did go and rescue our reputation and our sense of self-worth as Australian citizens. We did go to East Timor and we were instrumental in securing that independence.

But that was after 25 years of support for an Indonesian occupation where human rights investigations have found appalling things happened. They happened not just at the level of people dying. They happened at the level of sterilisation of women. Remember that at the same time what was happening was a transmigration program where the so-called excess population from Java was being moved into East Timor in a bid to outpopulate the East Timorese. This is a well-known device. We have seen it happen in the Middle East. I suppose you could call it demographic warfare. But Australia stood by, and we all know that this happened under both complexions of federal government, Labor and Liberal.

Meanwhile, civil society in Australia continued to work for a change in policy. It is interesting that it actually happened under the Howard government. To me, that says there is real strength in sticking with these issues. If you know what is right, if you know it is ethical, you must stick with it because, in the end, change will occur. If it does not, you know that you have done the right thing.

Another reason that Australia should put East Timorese interests first in these negotiations is the poverty of that country. There were people starving in East Timor earlier this year. We know that. It happens with regularity every year and it will continue to happen until East Timor is in a position to set up its agriculture with the right kinds of

crops and with our assistance. I have a friend who is one of the people advising East Timorese about the varieties of rice that grow best there. There is so much work to be done. Yes, Australia is doing its bit through aid and so on but, while people are still starving there, it is simply not enough.

There are issues that I want to raise with the ACT government, because I do think this is a motion that is relevant to the ACT. I was one of the people who were instrumental in setting up the Canberra Friends of Dili. I helped organise the public meeting that really started the whole thing off in 2001 with my predecessor Kerrie Tucker and with a woman called Patricia Woodcroft-Lee, who has now moved to Melbourne but who really set this East Timor friendship group in motion. She spends a lot of time in East Timor and she knows the issues from on the ground.

One of the reasons that we decided to call it a friendship relationship, rather than a sister city relationship, is that the sister city relationship occurs at the government-to-government level. We wanted it to be something that arose from the community, but we wanted the government to be involved. We actually invited Mr Stanhope to that first meeting in an attempt to get maybe some resources, maybe someone in the Chief Minister's Department who would be able to facilitate this arrangement. Remember in 2001 Dili was a basket case. It had just been through the whole situation of the war. So we felt that there was a lot that Canberra could do. As you know, the Canberra Friends of Dili are still very active and we have heard about some of their projects.

I would like to see some more work from the government, perhaps in the same line as the work we do with Beijing. For instance, East Timor has been calling on tourism from countries like Australia for a long time now. Why cannot our minister for tourism go to Dili and investigate how we can promote tourism from the ACT with Dili? I would like to see a stronger effort from the education department to develop relationships between schools in the ACT and schools in Dili. I think there is room for us to promote business relationships between ACT business people and Dili, and here I want the underlying theme to be, "We're not doing it just for our profits. We're doing it because we care about supporting this very poor, very needy neighbour to our north."

While I support Mr Gentleman's motion and endorse a lot of it wholeheartedly, I would also like to see the ACT government getting a little bit more involved at the level of government, not leaving it all to the Friends of Dili. I note, for instance, that at a recent conference in Victoria University in Melbourne called "Cooperating with East Timor: ideas for good development practice", one of the key themes was how Australian governments, federal, state and local, are working with the Timorese. There was one representative of the Canberra Friends of Dili, but there were no ACT government representatives.

MS PORTER (Ginninderra) (4.15): I would like to speak to the motion and to the amendment. First of all, I would like to say that I do not support Mr Smyth's amendment. I am pleased to speak in support of the motion moved by Mr Gentleman.

The strong and developing ties between Canberra and the capital of the newly-independent Timor-Leste, Dili, are certainly worth reaffirming. As members of the Assembly may recall and as Mr Gentleman mentioned earlier, the Chief Minister

visited Dili in 2004 to sign the Canberra-Dili friendship agreement. This agreement arose from community initiatives, primarily by the Canberra Friends of Dili, as has been mentioned. The friendship relationship aims to promote educational, cultural, economic, humanitarian and sporting links between our two communities. The building of this relationship is something the ACT government is deeply committed to.

The motion moved by Mr Gentleman today provides a valuable opportunity to affirm the importance of this relationship and our friendship with the city of Dili and the people of Timor-Leste. As the newest nation in the international community, Timor-Leste is facing enormous challenges. Two hundred years of colonial rule under the Portuguese and 24 years of Indonesian occupation and the denial of independence make the challenge ahead significant.

We all remember the terrible destruction following the 1999 independence ballot when the Indonesian military and the militias carried out a scorched earth policy, razing what little infrastructure there was to the ground. In the nearly six years since then, Australia has provided a tremendous amount of assistance to Timor-Leste. Australian peacekeepers have maintained a strong presence in East Timor throughout the transitional period and formed a vital part of the UN forces present. Australian foreign aid and technical assistance to East Timor have exceeded $A40 million. A joint AusAID-Australian Federal Police program worth $40 million continues to provide long-term support for the Timorese in developing a professional national police force and working to strengthen other aspects of the justice system.

Many Canberrans have played a significant role in the Australian police detachment in East Timor. Ginninderra resident Tony Curtis, an AFP officer at the time who had long served the Canberra community with great distinction, led the first detachment. Seventeen of the original 50 officers were also from Canberra. Each of these officers was subsequently recognised for their outstanding work by being awarded a group bravery citation. It is also worth recalling that these officers served without weapons at a time when there were many militias in East Timor who were heavily armed. Subsequent contingents were also led by Canberra-based officers, and these included Alan Castles, Fred Donovan and Trevor Clark. All served with distinction. In addition, AFP officer Paul McEwan, who has also served in Canberra, was awarded the Australian Bravery Medal for his heroism under fire whilst serving in East Timor.

I have also been advised by Mr Curtis that, with subsequent contingents being selected to serve in East Timor, the percentage of Canberra officers chosen was increased due to the expertise these officers had in community policing. Canberrans can rightly be proud of the efforts of our officers, and the level of community safety that now exists in Timor is due in no small part to the work done by these men and women. This community can indeed be proud of the outstanding contribution made by all those AFP officers based in Canberra who served in East Timor with such distinction. The Australian government, through AusAID, is also providing support to Timor-Leste's ministry of planning and finance to ensure the transparent and accountable management of public funds.

Australia has made a significant contribution to the establishment of East Timor as a sovereign nation. This should be commended and celebrated. Having said that, I would like to remind members that we would all do well to remember that Australia has a moral obligation to assist this fledgling democracy in whatever way possible. Were it not for

the selfless acts of bravery demonstrated by the East Timorese people, many more Australians may well have lost their lives.

In helping our neighbour and newest member of our international community of nations, it is fundamental to recognise that the primary burden of reconstruction and development has to be borne by the Timorese people themselves. The East Timorese government has developed a 20-year plan designed to repair the destruction that was wreaked upon their infrastructure by the Indonesian army and to lift Timor-Leste out of poverty in order that it may enjoy economic as well as political independence. The realisation of this plan will be difficult, but it is important to recognise that this realisation is not an alternative. It is essential in establishing the East Timorese nation.

Realisation of the plan demands the full resources of the people of East Timor. Crucial to this is the revenue to be generated from gas and petroleum fields of the Timor Sea. The revenue expected from the development of these fields represents a crucial proportion of the investment required for the success of the 20-year plan. The Timorese people are only asking for a fair share. They are asking for fairness in ensuring that the income derived from resources on their doorstep is reinvested in their future.

The concern raised in this motion is one that I share wholeheartedly, that is, that the federal government not deny what is only fair. The federal government appears to be determined to bully its way into the lion's share of the revenue from the gas and petroleum reserves, despite the proximity of those reserves to East Timor and despite the likelihood that international maritime law would consider a large proportion of these resources to be in Timorese territory.

In failing to do justice to the East Timorese, the federal government risks undoing much of the goodwill that has been built up over the past six years between our nations. These actions also potentially undermine the foundation for Timor-Leste's long-term economic independence. They never agreed to the continental shelf model, which is the basis of this arrangement. The Indonesian government arrived at the continental shelf arrangement after the illegal invasion of Timor-Leste.

The federal foreign affairs minister claimed success in the most recent talks between himself and the Timorese Prime Minister. However, the Timorese Prime Minister told the Portuguese news agency Lusa, "There is no accord, and if there is one in the terms announced, it will be totally against my orientation. And thus void". Clearly, there is some way to go to successfully resolve this issue and to deliver a just outcome, indeed a just future, for Timor-Leste.

The federal government has agreed to give the impoverished people of Timor-Leste a slightly larger portion of the pie. This is a step in the right direction, but there is a long way to go. Additionally, we should not forget that Australians have a strong interest in the successful conclusion of the talks. Our interests lie not in the exportation of unjustly claimed oil and gas resources, but in working with the people of East Timor in building their future and in remedying the wrongs of the past. A prosperous, vibrant, economically self-sufficient East Timor is very definitely in Australia's national interest. Our colleagues in the Northern Territory are also looking for successful outcomes to the negotiations that should clear the way for development of gas and petroleum projects which will be of great benefit to the Northern Territory as well as Timor-Leste.

As I have said and as this motion indicates, this Assembly should note that there is much work to be done and that the federal government has yet to offer the people of Timor-Leste an equitable solution which is just and fair. The federal government has an obligation to negotiate with the government of Timor-Leste in full accord with international law. Negotiations on maritime boundaries should be based on the joint aspirations of both countries. Australia should adopt an approach that, agreed between the parties and consistent with the UN Convention on the Law of the Sea, would fully take into account Timor-Leste's economic viability and financial independence.

I am very pleased to have the opportunity to support the entire motion moved by Mr Gentleman. I ask other members to do likewise.

MR MULCAHY (Molonglo) (4.24): I would like to say a few words on the motion and to support the amendment moved by Mr Smyth. I notice that Dr Foskey has left the chamber. I think the matter of concern in the motion is the use of the word "paramount". While Dr Foskey spoke at great length about the concept of sovereignty, she failed, in my view, to adequately deal with the fact that this motion expects Australia to give paramount concern—that is, primary concern—to the interests of another nation, albeit a small country that has gone through a terrible period for some 30 years.

The role of the Australian government has been a commendable one in terms of the people of this struggling new nation. I well recall the events of 1975. In fact, I had to give up my office to Mr Peacock, who I think was caretaker foreign minister at the time when all this happened, in the midst of other distractions we had in Australia. The Indonesian annexation of Timor certainly caught this country on the back foot. It was a difficult time politically in Australia and it led to a situation occurring swiftly that may not have happened at another time.

There is always a risk when you put a motion on the notice paper in this place and then cling with enthusiasm to the sentiment in that motion without regard to the ongoing passage of events. I am troubled about the underlying sentiment in the motion. I am very proud of what our country has done for the people of East Timor in terms of the military contribution to protect those people in a very difficult and unstable period, the aid that has gone in and, indeed, the commercial help that has been extended. Even the national president of my party has been involved in helping to develop micro business in this new nation.

But there is an underlying theme in this motion that we are doing the wrong thing. I think it was influenced by those television ads. They were powerful and, one might say, obviously quite persuasive in the case of some members here. They were if you did not make further inquiry. I do not know whether it is just my inbuilt scepticism, but I always believe that you need to look a bit further. I am glad that Mr Smyth has drawn to the attention of the Assembly that, in fact, the two countries are about to reach agreement on the matters that were subject to misleading advocacy, the matters that were under dispute, that there were sound negotiations dealt with in the middle of last month and that we should have some confidence that the ministers of both our country and East Timor will be able to promptly and shortly settle these issues.

There will be substantial revenues flowing to East Timor from the Greater Sunrise gas fields. In fact, the Timor Sea treaty, as I think we heard, already gives East Timor 90 per cent of the production from the joint petroleum development area it creates. This is quite generous in contrast to the previous treaty that existed, which had, as we were advised earlier, a 50:50 split with Indonesia. Before we take up the cause of the exploited and downtrodden and so forth, because Australia is perceived as having much greater might economically and everything else, we have to accept the fact that, as recently as last week, Prime Minister Alkatiri expressed satisfaction with the deal. Ramos Horta, who is a legendary figure in the liberation of the people in that part of the region, has described the deal as putting Australia and East Timor "on the threshold of a new era in bilateral relations".

What this deal essentially involves is creating permanent maritime boundaries and claims for 50 years, setting these areas aside, and, of course, East Timor allowing the Greater Sunrise gas project to go ahead for the benefit of both countries. What better way can we help a struggling new nation than by ensuring that it has income streams? I am advised that East Timor will receive an additional $US2 billion to $US5 billion in revenue, subject, of course, to oil prices. This comes on top of a 90:10 split of revenues from the JPDA agreement under the Timor Sea treaty which, based on current world oil prices, will deliver about $US14.5 billion to East Timor over the next 20 years. That averages out at about $US2 million a day.

I do not quarrel with the sentiment that we must help our neighbours. For part of my career I worked with the Canadian government and I saw a fair bit about what happened in the neighbouring countries in the Pacific. There are always significant security issues for Australia, which I believe have intensified in terms of ensuring the stability of all of these small nations that encircle us, both in the Pacific and Indian oceans and to our immediate north.

The best way we can help these countries is not simply by writing out cheques for aid, which sometimes is required, and we do so generously in terms of economic and sometimes military aid, but by helping them get on their feet. That is achieved, obviously, through improving levels of education, ensuring that they have adequate health facilities, and ensuring that they are appropriately able to police their resources and to settle agreements to ensure that they have ongoing income streams that can support the infrastructure and the needs of these people.

I have not been to East Timor and I am not sure if members of the Assembly have. Maybe there are some here who have been there. I understand it is coming from a long way behind as, effectively, a Third World environment. I have met a number of Australians who have served over there, and served with great accomplishment. We are certainly aware of the role that Major General Cosgrove, who is about to retire, played in this particular mission.

We will leave a lasting legacy in terms of their economic future if we settle this arrangement along the lines proposed. I do not think that it is the role of the ACT Assembly to rush in when things are well advanced and start casting doubt on what have clearly been well-handled negotiations, which have been blurred somewhat by a television campaign that I am advised was not entirely truthful. We, as elected

representatives, always have to be careful when we see advocacy groups pushing particular causes. Look behind the message, ensure the data is accurate and take the trouble to check which members on this side of the house took the trouble today.

So, whilst the sentiment in the motion is sound in many respects, I do have a real problem with the fourth paragraph. I am a member of an Australian territory parliament. My paramount consideration will always be the people of Canberra. In a national sense, it is the Australian interest. I do not think that we ought to be carrying resolutions saying that another country's position is of paramount concern, no matter how difficult or worthy that cause. We can be pleased with the progress. We probably could be a little more gracious in acknowledging the progress, which has been considerable since this matter was placed on the notice paper. But I do not want to get into a heated debate about that.

I believe that Mr Smyth's amendment is in order, that the matters before us need to be considered in the context of the remarks that Mr Smyth and I are providing for the information of members and I commend these views to the Assembly.

MRS DUNNE (Ginninderra) (4.33): To address Mr Smyth's amendment, which is a simple one, is my principal task. As Mr Gentleman's motion currently stands, it is an enormously divisive motion. As Mr Mulcahy has pointed out, Mr Gentleman put this motion on the notice paper in March and a lot of water has passed under the bridge since then. A lot of negotiating has been done and it may have been more appropriate perhaps for Mr Gentleman to have amended his motion before it was brought up for discussion to take account of what has happened in that three or so months between the moving of the motion and the debating of it.

What Mr Gentleman has done in any case, whether or not there had been progress, is completely inappropriate. For any legislator in this country to insist in some way that Australia should not look after its interests first but put another country's first is anathema to the sovereignty of this nation. Very many people in this place have talked about the sovereignty of East Timor. Mr Gentleman's motion asks the Australian people to abdicate their sovereignty in favour of the sovereignty of another nation.

We in this place from time to time have spoken warmly of and have extended the hand of friendship to East Timor. In the ACT that is the case. Ms Porter spoke about the AFP contingent. Many ACT AFP police officers went in that first contingent. She named some of them. Dr Foskey spoke about the great work done by community groups and named some of those people who have been involved in community groups upholding the rights of the people of East Timor. I would like to add to that list. Bishop Pat Power and Robert and Wendy Altamore do the most sterling work for the people of East Timor, as well as for their many other interests in the community. Every time you go to a function for the East Timorese community, Robert and Wendy are there running the thing and making sure that it works. Their commitment to the people of East Timor in this context should be acknowledged. The same goes for Bishop Power.

But what we are seeing here today is what I think Mr Smyth called a Trojan horse motion. Yesterday and today I have spoken about the sorts of motions that the Labor Party and also the crossbench are taking up: "Let's find something that is vaguely associated with the ACT as a springboard to having a kick at the federal government."

The first paragraph of this motion is very important for this Assembly and for the people of the ACT. It asks us to relook at our commitment to the people of Dili and the sister city relationship. We must really be very mindful of just how tardy this Chief Minister has been in really implementing that. It was actually, for the most part, the work of Ms Tucker in the previous Assembly that got it going. Mr Stanhope, the Chief Minister, has been very tardy in this regard and that needs to be put on the record.

The people of Dili and district have not been served by this Labor government, just as the people of East Timor in 1975 were not served by the Whitlam government. The rest of the motion is a springboard for another go at the commonwealth. It reaches its culmination in paragraph (4), which should be anathema to any Australian. Mr Gentleman should hang his head in shame for suggesting or even thinking that the Australian people should subjugate their sovereignty to the sovereignty of another nation. We are talking about two sovereign nations dealing equitably with one another, with no favours on one side or the other.

We have had a lengthy, difficult process. The Timor Gap has been on the books as an issue since the mid-1970s, but the work that has been done has really been done effectively since the independence of Timor. It is a difficult concept and the commonwealth government and the Timorese government need to be congratulated for the progress that they have made, especially the progress in the last six to 12 months. Instead of using this motion as an opportunity, a really base opportunity, to have yet another go at yet another plank of federal Liberal policy, Mr Gentleman should be saying, "We've actually done pretty well by the people of East Timor. I hope that we can continue to do well so that they really can make progress economically, socially, in health and in education for the good of the people."

This is not the way to achieve it. Mr Smyth's amendment is absolutely spot on and Mr Gentleman's motion, in particular the fourth paragraph, is a scurrilous and base attack on and undermining of the sovereignty of the Australian people.

MR GENTLEMAN (Brindabella) (4.39), in reply: I am pleased to see so much support for this motion in the Assembly today. I do need to clarify a statement made by Mr Smyth earlier. Mr Smyth said that in my speech I said that this motion had lost relevance. Quite contrary to that, I said it had not lost its relevance, Mr Smyth. Mr Mulcahy said earlier that Dr Foskey talked about the concept of sovereignty. Mr Mulcahy, what I want to see is the reality of sovereignty.

As I mentioned earlier, a motion moved by the Greens MLC in the New South Wales parliament last year received the unanimous support of the chamber. I ask you to consider this motion with the same good intent. This is not about charity. The motion that I have brought before the chamber today is about justice. It is about recognising and supporting the special relationship our community has with the people of East Timor and working to support that ongoing relationship in a meaningful way. Members, I urge you to reject the amendment and support the motion.

Question put:

> That **Mr Smyth's** amendment 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	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	

Question so resolved in the negative.

Amendment negatived.

Motion agreed to.

Policing levels

MR PRATT (Brindabella) (4.47): I move:

> That this Assembly:
>
> (1) expresses its:
>
> (a) deep concern that the level of ACT Policing as revealed in the Estimates hearings and despite the Government's persistent denials, deteriorated quite dramatically since this Government came to power; and
>
> (b) concern, as a consequence, about the pressures on an overstretched police force to do its job protecting the community; and
>
> (2) calls on the Government to take immediate action to effectively increase ACT Policing strengths.

The minister has continually misled the community as to the real strength and therefore the operational capability of ACT Policing. He has continually misrepresented the facts in this place. More recently, he did so before the estimates committee. I intend today to demonstrate that to the Assembly.

I remind members that Mr Hargreaves, in his first ministerial statement, made some bold assertions about how the ACT government would be managing the police portfolio and dealing with crime in the territory. From the outset, he has defended the indefensible. Let's look at some of the things the minister has said. He has said:

> Refining how crime may be best addressed in the future is a constant and important public policy debate … The government is committed to providing quality policing to the ACT … Customer service and professionalism are key elements in the strategy, and are fundamental to enhancing community contact and cooperation.

He has said that the ACT property crime reduction strategy for 2004-07, among other things, includes a particular focus on targeting repeat offenders. Mr Hargreaves has also said, "I can assure you that the ACT government is committed to having an appropriate level of policing which focuses on law enforcement, crime detection and prevention." Those claims are all very well and good, but when it comes to examining the real issue—police strengths and capabilities, and the ability to protect the community—the minister is all smoke and mirrors.

Let's look at the situation now with ACT Policing. Firstly, the latest annual report claims that significant drops have occurred in major crime activities. If these statistics are a balanced representation, that is welcome, although I do note that organised crime is identified as a growing problem in the ACT and region. The minister claims that crime rates have dropped and continually talks about crime statistics to prove how productive ACT Policing is. He continually claims that these statistics are the true and only measure of performance. Statistics are questionable and are well known in various jurisdictions around the world to be easily manipulated to frame the favourable picture that bureaucracies want to tell their governments and, in turn sometimes, some governments want to tell their constituencies to gild the lily.

Given other figures and statistics, many from questions on notice put by me and others to the police minister, there are major contradictions with the ABS and Productivity Commission statistics that have been presented by this government to support its case that all is hunky-dory in respect of community safety. That is very interesting, but it begs the question about accuracy, given the community feedback about crime levels and disruptions to life.

More importantly, community concern about safety, particularly in relation to the lower bands of violent and destructive crime, which do not feature in mainstream statistics in any meaningful way, has been steadily growing for some years, but not entirely because of government policy. I believe that a lot of it is reflected in national trends of growing crime and public disorder, and the ACT is not immune to such a disease. But government policy also has to share a deal of responsibility because the government is not interested in fighting crime with vigour.

Burnouts, hooliganism, assault, intimidation, car offences, vandalism and graffiti are clearly on the increase because our police force is invisible. It is invisible and the community recognises that. I welcome the spate of recent arrests and confiscations of cars of burnout and street racing offenders, but it was only after two years of inaction and a good deal of community outcry that any effective action was finally taken. Even worse, armed assaults and hold ups have been on the increase, particularly in the second half of 2004.

In a three-week period in March 2005, 22 armed assaults, hold-ups and ram-raids in the ACT were reported in the media, and those were only the ones that were reported. This is happening because ACT Policing is invisible; we do not have a substantial policing presence. Consequently, criminals are more emboldened and desperadoes are out there feeling fairly confident that they can act with impunity. Often it is the vulnerable and the weak who are the victims and the ones ignored by this government.

Earlier this year, ACT Policing was forced to issue a memo to ensure all stations were, and remained, manned across the ACT, again highlighting a lack of manpower for ACT Policing. The memo, signed off by Deputy Chief Police Officer Steve Lancaster, issued a directive saying, "No police station will be closed or left unattended in the ACT." That was after a spate of reported police station closures, not to mention the fact that Gungahlin police station has been closed after midnight for a long time now.

I was pleased that the issue of police station closures was being addressed. However, I was deeply concerned then, and remain so, that the cause was being ignored. While the directive stated that the closure problem was a management issue, I would now vehemently dispute the claims made that the problem had nothing to do with police numbers. It was definitely all about police numbers.

If a police station is forced to close or if its officers cannot sit at the front desk, it effectively means that there are not enough officers to share the workload. I know of a number of officers who are constantly asked to work double shifts to make up numbers. I have it on very good authority that over a two-week period in May 2005 at both Civic and Woden police stations the rosters and shifts had to be made up with large proportions of officers acting on overtime. That is unacceptable; that is scandalous.

It is no secret that the ACT simply does not have enough police. The 2005 Productivity Commission report backs that up, with figures showing that total police staffing in Australia in 2003-04 was 289 per 100,000 people, but for the ACT the result was 251 per 100,000 people. That result is consistent with the ACT Policing annual report of 2003-04, which revealed a reduction in the number of sworn police officers in the territory from 603 in 2002-03 to 600 in 2003-04. The minister's claim that the national benchmark is irrelevant and that ACT Policing can operate well below it because of our special conditions is bunkum. The supplementary role that the ACT police service must undertake in supporting the AFP on counterterrorism alone is very demanding.

In response to a recent question without notice, Mr Hargreaves insisted that the ACT government had effectively increased police numbers since 2001. The true definition of "increased police numbers" would be increases in effective strength that bypass attrition rates and ensure additional sworn police numbers on our streets. The sworn police number is the key to how effective ACT Policing is operating. A growing strength would mean the public seeing additional police on the streets, on the beat, in a community policing role. One could not argue with that definition. In fact, what has happened, despite the denials, the misleading of the community and the misrepresentation in this place of the facts, is that there has been a decline in the effective strength. I will say more about that shortly.

The minister stated in response to the question without notice that "the attrition rate is covered by such things as lateral recruitment and recovery". That would be a logical management strategy if it were true. The minister has crowed that police numbers will increase to 849 full-time equivalents in 2008 under the latest budget initiatives and that, by 1 July 2005, the government will have increased ACT Policing by a total of 48 FTEs since 2001. That was his claim in answer to the question without notice.

In estimates, the minister stated that the government had recruited 33 additional police since 2001. He insisted that that was a net increase and, as usual, abusively put the boot into my colleagues and me at the estimates committee hearing because we dared to question his accuracy about that. When the minister cannot cope with his responsibilities and cannot defend the indefensible, he resorts to bile and vitriol. We have seen it all before and I will not go into that.

Despite all the rhetoric about increased effective police numbers, it was revealed in the budget estimates hearings that the number of sworn police officers in the ACT is actually the lowest in around four years. Having told us in estimates ad nauseam that there had been real growth in police numbers—recruitments over attritions; a net increase—when questioned closely on the number of sworn and unsworn officers at present the police minister advised that there were only 583 sworn officers, at least 14 police officers fewer than when the Liberals were last in government. There were 597 sworn police officers then. The number of sworn police officers, according to the AFP's annual reports, over the last four years reads as follows: 2000-01, 597, 2001-02, 602; 2002-03, 603; 2003-04, 600.

What is the number now? It is 583. In anybody's book, that is an effective decline in police capability and police strength; you cannot get around that. The population of Canberra and the geographical spread of it has grown significantly as well over that four-year period—from 311,900 to 325,600, an increase of five per cent—which makes that figure look even worse. It means that we are in a much worse position in terms of police effectiveness and capability than we have been in four years. That puts paid to claims by the minister that the Stanhope government has effectively increased police numbers. In fact, the Stanhope government has actually reduced numbers. Yes, it has spent more money, but to little effect. Indeed, there is a massive question mark here over the retention of good and experienced officers in the ACT.

Unsworn police officers, although vital to policing operations, are not the front line of our police force and are unable to perform the full range of duties of sworn officers. So for effective community policing strength, having an adequate number of sworn officers is fundamental. I go back to what I said earlier about what defines effective police strength. It must be that component of sworn police with powers of protection and arrest. That is the benchmark against which we must measure ACT Policing's capability.

No wonder the community is concerned at the lack of a police presence in regard to the patrolling of the suburbs and not having the resources to respond to incidents, to protect shopping centres, to stop graffiti occurring, and to overcome the window breaking and non-stop vandalism across all of our shopping centres. I will talk more about the detail of those incidents later.

According to the Productivity Commission's report, our police numbers are still significantly below the national average, despite the Stanhope government's 2001 election promise to increase police numbers to that level, an election promise which the police minister, Mr Hargreaves, continues to ignore. Why did the government bother to promise in 2001 to increase police numbers to the national average if it really did not think that that was necessary? I think the minister should revisit his commitment to his government's promise.

Alarmingly, the minister says he is more about effectiveness measures than head counts. He says that he does not care about numbers. I will say more on that later. The minister blatantly ignores the fact that police numbers equal capability which, in turn, equals a presence in the community, but how effective can our police force be when clearly we have growing community angst about the lack of ability of police to respond to incidents due to a clear police shortage? How can we be confident when our police force is invisible? Why are the shopkeepers of Calwell telling me that in 12 months they have not had one police patrol visit there to engage with them and discuss safety in that shopping centre? Does that reflect a capable and effective police force? I think not.

Madam Speaker, the minister has been caught out. Despite ramming down our throats consistently in question time, at annual reports hearings and now in estimates hearings his propaganda that the government has effectively grown police numbers since 2001, the fact is that the government has presided over a reduction in effective police numbers. Not only has the government broken its promises to bring police numbers up to the national average, but also it has been happy for them to languish well below the national average benchmark.

The minister has crowed about the government's record, but he has been caught out. He has been caught out playing with the numbers to try to give the community the impression that the government is increasing police effectiveness and police strength and therefore, in theory, that the ACT police are doing their job. They cannot if he does not resource them. He is not supporting our police force. It is overstretched and tired. The minister has misled the people and has misrepresented in this place the facts about ACT police strength.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Burke): Order! The member's time has expired. Before I call the minister, I would like to correct the record. I am actually a Temporary Deputy Speaker. Whilst I appreciate Mr Pratt's elevation of my position, I had to correct the record.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services; Minister for Urban Services and Minister for Police and Emergency Services) (5.02): Madam Temporary Deputy Speaker, it is delightful to see you in the chair. A little ray of sunshine does us all a bit of good.

Mr Pratt said a couple of things that were true, but I cannot remember them. I can only remember the rot, the hysterics, the emotion. and the whipping up of hysteria. If, from time to time, people are feeling unsafe in their homes, it is because Mr Pratt is whipping up hysteria out there, using terms such as "the police are invisible" and "we've got desperadoes running around town". I guess one should ask: who is that masked man? It is Mr Pratt.

I am moved to repeat something I have said in this place before: Mr Pratt has a misunderstanding of fundamental arithmetic—what police services actually do in this town—and has misinterpreted what community policing is all about in this modern age. He would see us having a police officer stationed next to every letterbox. I would love to see the day when we could afford to have a police officer at every letterbox and look forward to seeing how that would work in multiunit complexes. It would be a sight for

sore eyes. Mr Pratt, unfortunately, forgets that we have an intelligence-led policing system and that the process of policing is far more important than having police at the bottom of every driveway, but I will leave it to Mr Gentleman to talk to that issue in more depth.

Madam Temporary Deputy Speaker, in the interests of brevity, I will move the amendment circulated in my name and speak to both my amendment and the substantive motion in one hit. I would encourage my colleagues to do the same. What members of the opposition do is a matter for the good Lord and themselves. I move:

> Omit all words after "That this Assembly", substitute:
>
> "recognises that:
>
> (1) ACT Government expenditure on policing has increased from $68.2m in 2001-02 to $94.4m in 2005-06;
>
> (2) in the 2005-06 financial year, ACT Policing will receive an additional $4.67m which consists of $1.1m towards increased police numbers, $200 000 for the Belconnen Police Station feasibility study, $100 000 to establish the child protection register and $3.27m in certified agreement indexation;
>
> (3) ACT Policing strength has increased by a minimum of 40 FTE positions (based on the premise of a constable being employed at three-quarters of the permissible experience band) between 2001-02 and 2005-06;
>
> (4) recently announced Budget initiatives will see this strength increase by a further 20 FTE positions, taking the minimum number of new FTE positions provided since the Stanhope Government was elected to 60; and
>
> (5) the move to intelligence-led policing has resulted in a significant reduction in crime in the ACT."

Mr Smyth: I take a point of order, Madam Temporary Deputy Speaker. The amendment just moved actually contains inaccuracies and therefore, of course, misleads the Assembly. Can the member move an amendment that is historically incorrect? If I could clarify: the first line refers to an expenditure of $68 million—

MADAM TEMPORARY DEPUTY SPEAKER: Mr Smyth, resume your seat for a moment, thank you. Unfortunately, Mr Smyth, there is no point of order.

MR HARGREAVES: The government provides an annual budget allocation to ACT Policing for the provision of policing services in the territory; we all know that. The government's expenditure on policing has increased from $68.2 million in 2001-02 to $94.4 million in 2005-06. Mr Smyth can dispute the accuracy of those numbers if he wishes, but we are talking about the relativity of the increase. We are talking about a 50 per cent increase, or something of that size. In the 2005-06 financial year, ACT Policing will receive an additional $4.67 million, consisting of $1.1 million towards increased police numbers, $200,000 for the Belconnen police station feasibility study, $100,000 to establish a child protection register, and $3.27 million for certified agreement indexation.

The ACT actually exceeds the national average expenditure on police services. According to the Productivity Commission's report on government services for 2005, real recurrent expenditure—less revenue from own sources and payroll tax—on police services across Australia was approximately $5.2 billion, or $259 per person, in 2003-04. Let me repeat that: the national average expenditure on police services was $259 per person. ACT government real recurrent expenditure on police services was $270 per person in 2003-04; that is, $11 a person greater than the national average. Only the Northern Territory, at $637, and Western Australia, at $294, spend more money per person on police services.

The ACT is different from other jurisdictions. Variations in policy, socioeconomic factors and geographic/demographic characteristics have an impact on the expenditure on police services in each jurisdiction. The scope of activities undertaken by police services also varies across jurisdictions. This is important information that Mr Pratt ought to listen to. An analysis of the police annual reports for the various jurisdictions illustrates differences in police services provided between other jurisdictions and the ACT. Mr Pratt does not listen because he is not interested in knowing the truth.

Other police services have functions that the ACT police force does not need to fulfil. For the benefit of Mr Pratt, who is chatting away, and Dr Foskey, who probably does not know because I did not either, other jurisdictions count police prosecutors, for example. Most jurisdictions employ them. In the ACT, all prosecutions are handled by the DPP. Police prosecutors are counted as police numbers in other jurisdictions. Some jurisdictions—for example, Queensland—employ police to prevent and investigate stock-related crime in rural areas. There is very little demand in the ACT for a dedicated police force because of its urban nature. I think we have one officer dedicated to it.

Marine and water police are another example. Most jurisdictions have a dedicated water police team to investigate marine crime and ensure the safety and security of coastlines and waterways. The ACT's geographic position means that the need for such specialist services is very limited. Interstate, those officers are counted in police numbers. Another example is railway squads. Some jurisdictions offer train patrols. An extensive train network system is not in place in the ACT. Jurisdictions with large indigenous populations employ a significant number of Aboriginal liaison officers. For example, in Western Australian there were 125 of them—they were sworn officers and this was a head count, not FTEs—in 2004.

Some things are the same in every jurisdiction. According to the Productivity Commission, community safety and support accounted for the largest component—46.3 per cent—of the expenditure on police services across jurisdictions in 2003-04. Looking across the jurisdictions, the proportion of expenditure on community safety and support was the highest in the ACT at 65.8 per cent. The lowest count was in Queensland at 33.8 per cent. Let me repeat that: the proportion of policing expenditure on community safety and support was the highest in the ACT. The focus of policing in the ACT is on community policing. Mr Pratt does not believe that.

I would like to take this opportunity to remind members in this place that police numbers are not static. The numbers actually fluctuate throughout the year, depending upon operational requirements, recruitment rates, retirements, resignations and transfers in and

out. In the current financial year, the AFP is funded to provide a minimum of 796 full-time equivalents, based on the premise of a constable being employed at three-quarters of the permissible experience band. Going back to my previous comments, one of the jurisdictions actually counts constables before they are sworn in, while they are still training. The number I have just mentioned represents an increase of 27 FTEs from the financial year 2003-04 and an increase of 40 FTEs since the current government came to power in November 2001. Based on recently announced budget initiatives, ACT Policing minimum base staffing levels will increase to 816 FTEs during the financial year 2008-09, representing an increase of 60 FTEs since the Stanhope government was elected.

The Stanhope government has increased police resources from $68.2 million in 2001-02 to $94.4 million in 2005-6. The government's real recurrent expenditure on police services exceeds the national average by $11 a person. Only the Northern Territory and Western Australia spend more money per person on police services. ACT Policing minimum base staffing levels have been funded to increase by 60 FTEs since the Stanhope government was elected. ACT Policing continues to perform well, with significant reductions in a broad range of crime types being achieved over the past 12 months. Mr Gentleman will probably speak a little more about that.

Mr Pratt likes to talk about using ABS figures, Productivity Commission figures and annual report figures, but he has not said anything about whether there is an inconsistency across the methodology for those figures. I have demonstrated today that there is. To say that policing is invisible in this town is an insult. The insult can be no better demonstrated than by his suggestion that police are unproductive in this town. Mr Pratt, an examination of your own words in *Hansard* will reveal that you have suggested that the police are unproductive in this town. I think that is going a little bit beyond the pale.

Mr Pratt: I think that that is a misrepresentation.

MR HARGREAVES: You accuse me of misleading the community. You misled the community, Mr Pratt, when you said that our services to the businesses in Manuka had not been up to scratch and the people were scared stiff. In fact, I went there and spoke to them. You got one person to justify your position. I can tell you, Mr Pratt, that when we put an additional patrol in there it went down 32 per cent and 21 people were arrested.

Mr Pratt: Haven't you got a conscience?

MR HARGREAVES: Mr Pratt, you are a pathetic example of a shadow police minister. You are nothing short of pathetic; you really are. I think you are a good role model for every member of this community who wants to grow up to be pathetic, I really have to say. For example, why don't you acknowledge that our police officers are performing particularly well? Instead of saying that the lower level crimes are going up and that this place is really a haven for graffiti artists, vandals and so on, acknowledge the fact that we have had a double-digit reduction in most—in fact, I would say all—of the major crime things. Mr Gentleman will articulate that for your edification a little later.

Mr Pratt: I cannot wait.

MR HARGREAVES: No, you cannot wait. The first thing you do is open your mouth and then you start thinking—in that order—and I suggest to you that perhaps you ought to be less precipitant in what you say. We do not have desperadoes going around this town. Mr Pratt has a fundamental lack of understanding of what makes up a police force. He would know, if he had bothered to ask anybody with a modicum of intelligence, that we have an intelligence-led policing system. We have squads—we have traffic offences, we have drug offences, we have sex offences, we have organised crime, we have outlaw motorcycle gangs and we have a whole range of other offences—which address crime levels in this town according to the intelligence-led policing model.

From where do they get the intelligence? Certainly not from Mr Pratt, because he is decidedly lacking in it. They get it from the community, from people dialling Crime Stoppers and putting together a dossier of complaints. And what happens? Mr Pratt belittles the handling of burnouts. On the one hand he says that we are not doing enough and on the other he says that we are doing great. I have to say that, through Jon Stanhope's original initiative back in 2001, carried through by this government, we have a really top-notch crime fighting process in this town. As we increase the numbers, it will be even better.

I have to say that Mr Pratt really ought to just sit and think for a little while about the impact of his words out there. I suggest that he should seriously think about that. Mr Pratt, if you are too precipitant with your misinformation—whether it be accidental or deliberate I do not care—you unnecessarily alarm people. It would be far better for you to encourage people to ring Crime Stoppers and to encourage people, as Mr Gentleman did, to come and talk to us when we speak with the community and the police officers. We are quite happy to join in a group with members of the community and police officers because that is proactive policing. We do that. We actually talk to them. We do not alarm them.

I suggest very, very seriously, Mr Pratt, that you consider the responsibilities of your office. If you want to know how to do it, go back into *Hansard* and see how often I frightened them. I did not. I did not have to. I was more interested in working with the police to make sure that what they were doing was understood and appreciated by our community. You say that you have police officers telling you this and police officers telling you that. No doubt you do, but you should be considering what they are saying to you responsibly and considering the impact of your words. Members of this Assembly are community leaders and should act accordingly. I encourage you to do just that.

MR MULCAHY (Molonglo) (5.17): I would like to say a few words in support of Mr Pratt's motion because it is an issue on which I have taken more than a passing interest. This issue is central to the concerns that many in the community continue to raise not only with the shadow minister for police but also with many of his parliamentary colleagues here. I hear what the minister says about not causing undue alarm in the community. I do not think any of us are in the business of creating undue alarm but I also think that, as members of the Assembly, we have a duty to respond in a proactive and positive fashion when we hear of repeated problems.

A swallow does not make a summer and one complaint here and there one would obviously refer on, or see if one could achieve a resolution. But when you get a large

number of complaints about a particular matter, as an elected representative you become concerned; I certainly do. I treat things differently depending on the number of complaints I have, or what I perceive to be the gravity of those complaints.

There have been real concerns about police numbers and police responsiveness, and the outcomes that people find happen, even when they get to lodging complaints. I think everyone in Canberra, and elsewhere in this country, ought reasonably to be able to expect to live in a safe community. There needs to be confidence that our safety is guaranteed by a strong, responsive and readily accessible police force. It must be well trained and well resourced and employ preventative strategies, based on close and effective links with the community. I accept what the minister says about the importance of using crime intelligence in addressing issues. I am not privy to how they put everything together, but I am quite sure they do that with great enthusiasm and probably a deal of success that we do not hear about.

I understand the constraints that exist in some of those areas but I am troubled by the fact that many events do not seem to accord with the broader policing needs of our community. I am concerned that the numbers that we see appear to be falling. I did not hear the minister in his remarks—although I had to leave the Assembly for a few moments—say that what Mr Pratt said was wrong. If what he said was wrong, then incorrect evidence would have been provided to the estimates committee. I would quote from the estimates committee's work because I think it is important to realise—and I was at the hearing—that there is no doubt at all that sworn police numbers have fallen by 14 since the Liberal government last governed in this territory, back in 2001.

I do not believe all the statistics in the world can make up for the fact that, if you have falling police numbers in a growing city—albeit at a slowing rate—you are likely to be getting on top of crime purely through intelligence gathering. I am troubled to see that the figures that emerged after a deal of questioning—and it was not easy to elicit this information—have not in themselves been challenged as being inaccurate. The committee was told that the number of sworn officers was only 583.

I would remind members to have a look at page 46 of the dissenting report as part of the estimates process, which we will discuss next week. If the minister feels that he made an error of fact when he gave that evidence, or when his official did, then we ought to be told. Given that that does not seem to be a matter in dispute, we have found a new line of defence—that, "We spend more per head." I have not heard that one used in recent debate on this issue, and I will be happy to look at those figures. I am always wary when people talk about so many dollars per head increase, or so much more per head.

We were told by Mr Quinlan—he trotted out this figure—that, "We spend more per head on tourism than anyone, other than Tasmania and the Northern Territory." You are meant to think from that that we have this robust tourism campaign which is delivering marvellous results. In fact, if you look at the way it is going—and that area of marketing in the administration of this territory has been less than impressive as a performer—it is an area that needs a lot more resourcing and a lot more focus. We have seen in the health area how much we are spending per head and there are nationally recognised figures that—

Ms MacDonald: Mr Speaker, I wish to raise a point of order. I am a little confused. Mr Mulcahy seems to be straying from the issue. I thought we were talking about policing.

MR MULCAHY: Mr Speaker, I am talking about how much per head, and giving an illustration of why that is, or may be, a flawed statistical figure. Besides that illustration I have one other, which is about health.

MR SPEAKER: Remain relevant, Mr Mulcahy.

MR MULCAHY: We have heard it said that we spend so much more per head in health. Again, we have seen that that really is a consequence of poor management of our health resources, so I view with some scepticism that this figure is an indication that all is well in the territory's resourcing. The minister strayed into an ill-advised area in that he said that Mr Pratt—and indeed I was supportive of him on this—had raised issues concerning Manuka. He implied that it was a figment of our imagination, or a beat up, because he said that one person raised an issue with him. I am afraid I have to tell the minister that one person did not raise an issue with us; it was a very large number of businesses in Manuka, as well as citizens of this community, who called my office. Different young people have called and cited event after event.

This was the very first matter raised since I was elected last year and it has continued until the last few weeks without abatement. This incredible performance at estimates was fascinating. I felt sorry for the chief police officer because he had to wheel out a line of defence that, unfortunately, sat rather uncomfortably with a document I tabled, which became an exhibit, that cited 62 offences over several nights. This was after the chief police officer said, "We only had five property crimes," or something to that effect. He did, understandably, look a bit distressed. I would be embarrassed if somebody then put in front of me a security report showing a huge number of offences.

I will give the minister credit for what he says publicly about there not being an issue. I had a supporters dinner last night in Canberra and I asked some of the people who had businesses in Manuka, "How are you going in Manuka?" They said, "There are police everywhere!" This mythical problem Mr Pratt raised has suddenly been the subject of considerable focus by the police. Unfortunately, at the same function, we heard that there was not a policeman to be found at Calwell; that the kids were ransacking the place last Saturday night, breaking into shops and stealing meat out of the butcher's shop. What it told me is that, if you yell loudly enough about an area of Canberra, they will take an army of police and move them in there until things calm down.

The situation in Manuka is being publicly addressed by individual traders, not just by one person. People from restaurants and the pharmacy in the area have gone on the record, and a large number of private citizens have complained. If the minister wants to look at it—time will restrict me from raising it—he will see from the security reports logged, which are an exhibit with the estimates report, that a large number of offences have occurred over successive nights, which have all been documented in detail. It is quite extraordinary. They constantly say there is no police presence there. These all extend back only over a period in April—22 April, 29 and 30 April—and 6 May. There

are illustrations here of fights, assaults, people being abused, and violent and disorderly conduct on a regular basis in the suburb through the late hours of the night.

I am grateful that the minister, despite publicly saying there is not a problem, has in fact quietly acknowledged it by ensuring that his police force is well represented there. The people of Manuka are now a little more relaxed, thanks to Mr Pratt's efforts in drawing this to the attention of the community. Minister, perhaps you can deploy some of those people, with your limited resources—I know you have a limited number to work with because you have less than you had four years ago—down to Calwell next and see if we can sort out a presence there. I know the businesses in Calwell would love to see some form of police presence.

Mr Hargreaves: Do you know where Calwell is?

MR MULCAHY: It is on your electorate side, so I hope you do! The problem, of course, with this strategy is that, when you do not have enough police numbers, you have to keep moving to the problems. I feel the minister is going to be pretty busy over the next several years while Mr Pratt keeps citing the new outbreak areas of crime. Then there will be a response and we will settle them down.

It is unfortunate that the fundamental issue here is that there are inadequate police numbers for the ACT. I would like to see that addressed. I know the minister has now acknowledged that there is a problem, in that he has not refuted those numbers he provided in estimates. It is now a matter of public record, and I congratulate Mr Pratt for listing that information in estimates. I think the message is loud and clear that we need to have this addressed. I very much hope members opposite will accept the fact that there have been significant issues. I am sure you are receiving the same level of complaints as I am—that people do not feel the police have the resources to follow through. I look forward to seeing the improvements we have seen in Manuka reflected in other suburbs.

DR FOSKEY (Molonglo) (5.27): I am not going to support this motion or the government's amendment. The continual debate between the Liberal opposition and the government on these matters appears to pre-empt the release of the ACT government and the Australian Federal Police report, *Policing for the future*. The previous minister for police, Mr Wood, announced in 2004 that the *Policing for the future* report would review crime trends and other demographic and environmental features to help us determine the policing needs of the ACT, identify the human and financial resources required to service those needs and examine the government's framework necessary to support the relationship between the ACT and the service provider. It became evident during the examination of the Auditor-General's report about policing—I forget which one—that there were real concerns about the agreement between the ACT government and the AFP.

Mr Mulcahy: That was the estimates.

DR FOSKEY: I think it was earlier than that, too. I was under the impression that this report was to be released by January 2005. I asked the current minister for police about this during the estimates hearings. He advised that he is yet to receive a final copy of the report and that, when he does, he will consider whether or not to make it public. Despite the Greens' strong support for community policing models, I am not going to engage in

the debate about the size and nature of ACT policing until I have seen this report—and I am not alone in this opinion.

The Australian Federal Police Association, which has long been concerned about the size and nature of police in the ACT, is also keen to see this report. I am not sure whether the minister will allow them to, though, going by his interjections over there. As such, I request that the minister for police make a commitment to provide at least a public version, if he is concerned about some of the content of this report, as soon as practicable. I suspect that, if the minister does not at least do this we will have to conjecture—perhaps to the government's disadvantage—about the content of that report, and I would strongly advise that it be released. At this point in time I am not going to support either this motion or the amendment but please be aware that I have every intention of fully engaging in the debate about the size and nature of ACT policing once I have seen a copy of the *Policing for the future* report.

MR GENTLEMAN (Brindabella) (5.30): Once again, Mr Pratt wants a copper at the bottom of every driveway and one at every letterbox. Obviously he has never done shift work. I can advise both Mr Pratt and the Assembly that any operation that requires 24-hour attendance will require short notice shift fills or double shifts. When a shift becomes vacant due to sick leave or operational requirements, does he want us to leave it vacant? Does he want us to leave a car off the road? I can assure members—after doing shift work for 12 years—that this is how rostering works. I can also assure the Assembly that, as a resident of Calwell, I visit the Calwell shops daily and that I regularly see police visits to the Calwell shops.

Minister Hargreaves's amendment appropriately reflects the concern shared by the ACT government and the Australian Federal Police to achieve a reduction in crime in the ACT and to work with the community to ensure that Canberra is a safe place to live and work. This concern is reflected in the ACT government's expenditure on policing in the ACT. An increase of more than $20 million in government expenditure since 2001 has seen significant reductions in the broad range of crime types over the last 12 months.

The total number of offences reported to police has fallen by almost 17 per cent since 30 June last year. Burglary offences have dropped by 25 per cent, and motor vehicle theft is down by 27 per cent. There have also been drops in armed robbery and non-sexual assault cases. Sexual assault rates have dropped by 40 per cent in the same period. Fraud and misappropriation offences have dropped by nearly 40 per cent. Property crime offences have also dropped significantly, and drug offences are down by 15 per cent.

These figures demonstrate a significant reduction in crime in the ACT, and that the strategies and investment of the ACT government and the Australian Federal Police, in working to achieve better community safety in the territory, are paying off. These very positive results are indicative of the fact that ACT residents can have faith in the police and in the government, and that we are working together to improve public safety and to reduce crime in the territory.

I was pleased to recently attend a public meeting in my electorate of Brindabella, in which officers from the operation Globin team reported the success of their efforts in reducing incidents of burnouts and street racing in the Tuggeranong area. The success of

their work in reducing these incidents has been recorded. What impressed me most was the officers' commitment to working with the community to achieve safe streets.

The community has participated in these processes of crime reduction and, as a result, reduction is being achieved through holistic changes and strategies that not only reduce rates of crime but also address the structural problems associated with property crime in particular: investment in our young people in the territory, through youth programs, quality public education; and ensuring that young people have both a voice and a way of contributing to their community in a positive and meaningful way. Investment in the system of criminal justice in the ACT by government and working with the police and the broader community further reflects our commitment to genuine crime reduction and public safety. The high degree of the perception of safety in our community reflects the success of this approach.

The national average of safety perceptions is around 80 per cent. In the ACT, with the highest safety perceptions in the country, 84.3 per cent of our community feel safe in their homes. The rate of feeling safe on public transport is also the highest in the country. We have the lowest rates of community concern about the level of illegal drug use and the impact this may have on community safety. We have the lowest rates of concern about physical assault and family violence. I raise the issue of community perception not to suggest that the work of the ACT government and ACT Police in crime reduction and community safety is complete. Clearly there is always more work to do.

In the ACT we are privileged to have a competent and committed police force dedicated to working with government, businesses and the community towards achieving our goals of a safe community. The amendment proposed by Minister Hargreaves today reflects this commitment and commends the achievements of the ACT government and the Australian Federal Police in Canberra in crime reduction and community safety to date. It reflects the success of intelligence-led policing in the territory and the consequent commitment by government to support this initiative. It reflects the importance to our community of active policing and community participation in public safety and crime reduction, and the role of the government in facilitating this process. I urge you to support the amendment.

MR SESELJA (Molonglo) (5.35): I would like to speak against the amendment and in support of Mr Pratt's original motion. I commend Mr Pratt for bringing this motion forward; I know it is an area of concern to many Canberrans. Despite Mr Hargreaves's dismissals, it is a real issue in the community. There are genuine concerns which are not to be dismissed lightly. Even though it is not in my electorate, I have spoken to people about the crime rates at Calwell shops. It is certainly a concern to some of the shop owners. They tell me there is weekly vandalism there.

Mr Hargreaves: Name one!

MR SESELJA: It is a concern—and it is this dismissive attitude of Mr Hargreaves that is of significant concern. We saw it in the estimates process on virtually everything. Where he did not know what he was talking about, he would just sort of ramble; he would yell, rant and rave; and it caused the chair no end of grief. We have seen it again today. We see Mr Gentleman echoing it, when Mr Hargreaves says that Mr Pratt wants a policeman at every letterbox or in every driveway. What a ridiculous thing to say! Has

anyone ever called for that, other than Mr Gentleman and Mr Hargreaves? Have you ever called for that?

Mr Pratt: No.

MR SESELJA: I do not think Mr Pratt has ever called for that. Mr Pratt is calling for an increase in the police numbers.

Members interjecting—

MR SPEAKER: Order! Mr Seselja has the call.

MR SESELJA: Thank you, Mr Speaker. We have seen the figures, but it took a long time for them to come out. Mr Hargreaves has been telling us for a long time that, "The police numbers are higher than when you guys were in office." We find out in estimates that the number of sworn police is 583, yet in 2000-01 there were 597 sworn officers. The figures in that time have gone down both in absolute terms and in real terms, of course, with a growing population. People are concerned about the fact that the figures have gone down; there is no doubt about it.

As I said, Mr Hargreaves's performance in estimates and again today is just to yell at Mr Pratt and tell him what a silly person he is for raising these issues; and how he wants a policeman at every letterbox or in every driveway. Of course, that just demonstrates that Mr Hargreaves's mind is not on the job. I put it to the Assembly that it is important that Mr Hargreaves put aside the personal attacks, put aside the ranting and raving and start doing his job.

It is one thing to talk about intelligence-led policing. No-one would deny that it is important to target the areas where we expect crime, and those areas are targeted. No-one would dispute that, but we do dispute that you can continue to decrease the numbers of police with no adverse effects on the community. Of course there will be!

Intelligence-led policing can only take you so far. In the end, at some stage, you need some numbers. We submit, and I submit, that the numbers at the moment are too low. The statistics that came out in estimates show that the numbers have gone backwards, despite what Mr Hargreaves has been telling us for a long time. I commend Mr Pratt for drawing that out in the estimates process in what was a painstaking exercise, with Mr Hargreaves often refusing to cooperate.

In relation to some of the specifics, I asked questions about Gungahlin during the estimates process. The lack of a real after hours police presence in the area continues to be a concern to many residents in Gungahlin. Whilst the answer we got from the chief police officer was that the standard response time of eight minutes still applies in Gungahlin, just like everywhere else in Canberra, unfortunately it is very difficult for the eight-minute response time to be met when it was revealed that there are only a couple of cars covering both Belconnen and Gungahlin.

It is virtually impossible for police, who are already overstretched, to meet that kind of response time and get to parts of Gungahlin, or to the outer edge of Gungahlin, from the other side of Belconnen. This is of significant concern to many people in the community.

Mr Hargreaves's performance is of significant concern. It is good, though, that we now have some figures on the table that we can deal with, instead of dealing with the bluff and bluster that we tend to get in question time. Every time a question is asked on police numbers he says that it is police numbers at 50 paces, or it is a policeman at every letterbox. Maybe now we can debate some of the facts.

We have the facts on the table and Mr Hargreaves can defend the fact that he has reduced police numbers, and that his government has reduced police numbers since it came to office. I thank Mr Pratt for his motion and commend him for it. I will not be supporting the amendment. I would call on Mr Hargreaves to enter into a sensible debate, now that we have some facts on the table, rather than the usual rhetoric that we get from him which we have seen backed up by Mr Gentleman.

MRS DUNNE (Ginninderra) (5.41): I have to rise to speak on this because I need to pay tribute to Mr Pratt's capacity to finally get the figure. As you would know, Mr Speaker, I have worked in this place since 1996. I have worked for police ministers and for chief ministers; I have been a member and I have sat on the estimates committee for three years in a row. I do not know the number of times I have asked officials—both when I worked in government and across the estimates table—"How many police do we have?"—and I have never had a candid answer. I have worked for ministers who have never had a candid answer from the AFP. There was always prevarication; there were always caveats and bits and pieces. I was always uncomfortable about my bosses using the figures for police numbers because they were always hedged about with so much verbiage that you were never sure what was actually going on.

If you read the transcript, we had a spectacular victory by Mr Pratt. After some official, whose name escapes me, sort of hedged about and hedged about, the answer came. He was asked, "Well, really what is the number?" He dropped it. He just opened up and dropped it in a way that no-one has ever done before in the 10-odd years that I have worked in this place. He said, in a completely uncandid way, that the number is 583. We have known; we have suspected; but we could never tell. Somebody, in a flash of candour before the estimates committee, finally told the truth. Mr Hargreaves was standing out there having said, "We've got more police than you fellows ever had" et cetera. "We're fantastic; we're doing a great thing."

He was left out there like a shag on a rock with 583 police. Everything he has said in this place was turned around—turned on its head—because he was shown that the things that have been said in this place have been completely inaccurate. This inaccuracy is even perpetuated in this amendment today. It is a disgrace. It cannot possibly be supported by this place because it purports to contain information which, as Mr Smyth has pointed out, is incorrect. The amount of money spent on policing in 2001-02 was not $68 million, it was in fact $76 million. We cannot possibly pass this amendment because of that gross error in it. Mr Hargreaves should withdraw the amendment, in order not to put a misleading figure on the record of the Assembly. We will not be supporting the amendment but will be glad to support Mr Pratt's fine motion.

MR SMYTH (Brindabella—Leader of the Opposition) (5.44): Mr Speaker, I would like to follow on from what Mrs Dunne was saying. I queried this with the Clerk while you were not in the chair. If we pass this amendment as Mr Hargreaves has put it to the Assembly today, we will be accepting an inaccuracy; and the minister should know

better. He must be able to get this information from his department. I undertook the simple task of going to the ACT Policing annual report 2001-02 to find out how they had spent it. If I can do it, then surely he can do it. Surely it behoves us to make sure that, when we put facts to the Assembly, those facts are correct.

The problem now is that, if it is passed and the Labor members vote for it, this resolution will then be sent to the minister as the opinion of the Assembly. I suspect that you, Mr Speaker, will get to sign that and send it off to the minister. If this Assembly passes the amendment moved by Mr Hargreaves it is saying it is okay for Mr Speaker to write to ministers on our behalf and tell them things that are factually incorrect.

I think that, if I stood up and said something that was misleading, I would be asked to withdraw it, as is appropriate. I believe that to have the figure of $68 million in this document as tabled is misleading; it is factually incorrect. As to the rules on misleading, we all make mistakes. You can only assume it is a mistake. The minister has not performed well in the portfolio; he never answers his questions; he is not across his brief; he does not know. He has persistently told this Assembly that we have more officers than ever before; and yet in estimates we were told by his department that we do not. So we have got to know that Mr Hargreaves is like this.

When it is brought to your attention that something you have said is incorrect, it does behove the individual responsible, at the first occasion, to withdraw, apologise to the Assembly and correct the record. If Mr Hargreaves had the wherewithal to follow the convention he could do that now and that would be fine. Then you, Mr Speaker, would not send something that was factually incorrect to the minister responsible.

The problem for us is that the weight of numbers will mean that this goes down and that we will perpetuate things that are not true. In the annual report, in paragraph 8, Mr Hargreaves asserts that it has increased from $68.2 million in 2001-02, yet the ACT Policing annual report for 2001-02 shows total expenses for the Australian Federal Police of $73,147,000. So clearly there is a difference; somebody is wrong. If Mr Hargreaves is willing to tell me, or tell this place, that the annual report tabled by the police minister was wrong, then that will be fine, but I think it is important that he corrects the record.

Mr Hargreaves: I seek leave to speak again on the amendment. I have moved the amendment and spoken on both the substantive motion and the amendment. I ask leave to address the issues Mr Smyth has raised.

Leave not granted.

MR PRATT (Brindabella) (5.48), in reply: The minister has spoken at great length in estimates and here again today about AFP FTE police numbers and the agreement the ACT has with the AFP to purchase a service with productivity or performance outcomes, rather than purchasing an actual police strength. That is a system we have all been stuck with for some time. I understand that this arrangement has been in place for the period of a number of governments. I sympathise with the minister in having to manage that, with all the inconsistencies and moveable measuring factors this entails.

What about the subject of measuring performance and relying on AFP surge capacities? He has often talked about surge capacities. Does this mean, therefore, that ACT Policing is depending on the AFP to provide additional police for surge activities? That is what it seems to be. I would not like to be in the minister's shoes trying to get a grip on how many police we have if we are relying on AFP surge capacities as well. There has to be a better way of dealing with this. These FTE and surge capacity dynamics arrangements are just too flexible—not in the operational sense, which would otherwise make sense, but in terms of being able to account for police strength and capability. Perhaps this needs to be looked at.

We need to seriously debate here a better method of accounting for the effectiveness of police capability. No longer can we have the minister simply saying, "Look, we've got surge capacities; we've got FTEs; we've got police on loan; the numbers change; you can't really tie it down because the police strength is different from week to week." I do not think that is acceptable; that is not good governance. I do not entirely blame this government for that predicament. That is, after all, a regime that the previous Liberal government also operated under. Perhaps it is now time for a change so we can tie this down.

I will talk briefly about a couple of matters. I would remind the minister that I witnessed an incident in mid-December at the Hellenic Club, where a 45-minute wait occurred before the police could respond to a very large hooliganism activity. Twenty-five cars participating in burnouts and disrupting the patrons of that club is, I would think, a fairly significant incident. When that occurred I felt sorry for the police. Clearly they simply did not have the men and women on the ground or the patrol cars to react to something they would have heard at Woden Police Station and even smelt, given the amount of smoke blowing downwind.

We talked earlier about Manuka. Contrary to what Mr Gentleman says, there is widespread feedback from Manuka shopping centre. Mr Mulcahy is quite right; there is a broad array of feedback from that place about crime in that area. I refer too to the woman at Narrabundah who rang in and reported a crime in progress, with a car burning. The minister stood up here the other day and denied that that incident had occurred. He denied that that woman had actually rung the police. I have gone back to her again. She has produced her telephone records; she has gone to the police and proved that she did make that phone call and the police have now recognised that that event occurred. That was a crime in progress; there was a car burning and the police could not respond.

We go on to talk about Calwell shops. Contrary to what Mr Gentleman said earlier—that he goes down there and he sees plenty of police—if he talks to the burghers of Calwell shops, the association of retailers and the owners of those shops, he will find that they have had to replace metres of broken glass over the last couple of days. They have had somebody break through the roof and flog all the meat out of the butcher's shop. In the space of seven days all of the outside buildings have been covered in graffiti, and there have been thefts and shoplifts from the local cafe.

Mr Hargreaves: It must have been a desperado!

MR PRATT: That is what is reported. If you want to deny those reports, if you do not want to believe the people at Calwell shops, go and stare them in the face and say that. That is what those people are saying. Guess what else they say, Mr Gentleman. They say that they have not had police visit them in a community policing role—that is hopping out of a police car, going inside, engaging in conversation and picking up some of that intelligence, as we expect them to in respect of intelligence-led policing, to find out what is going on—for one year. They have not seen them for one year. These people have said that to me and I am not going to disbelieve them until I can check it further. Why don't you go and talk to them? If you represent that constituency, go and talk to them. Those are issues which prove that there is, in fact, a vacuum and that there is not a suitable police presence; and that comes back to numbers.

Mr Gentleman talked about double shifts. Of course double shifts are okay if the police have the resources to do them, but to depend on double shifts is unacceptable. It is all well and good for you to say that, if a policeman wants to carry out a double shift and does not want to go home because the next shift is vacant, don't you think that begs the question of capacity? Why should police be forced to stay and do an extra shift or come in and do extra hours because they know their mates are not there and they do not want to let them down? That is a question of capacity, Mr Gentleman.

The minister has quoted a number of facts and figures which he says would indicate police performance. Minister, it does not matter whether you quote $11 a head or other supposed productivity indictors; the bottom line is that there is not a police presence to deter crime. From the rosters for police shifts we see that our stations are not properly manned; too much overtime is being relied upon, and this reflects a strain on police. Our police deserve a better amount of support and service than they are getting.

Police performances and productivity have been regularly hailed by the opposition, by the way. The minister says that we question the police and we criticise police productivity. That is not the case. The records in this place will show that there has been a lot of admiration expressed for ACT police, as well as a lot of concern expressed by me and by the opposition about the fact that ACT police are overstretched and not properly resourced. We think they do a good job, but they can only go so far. The responsibility is back on the government to ensure that they are properly resourced to carry out the job that they want to carry out.

Mr Hargreaves is giving gratuitous advice to the opposition to stop criticising police. He is concerned about the impact of our words on the morale of police, and supposedly alarming the community. Of course, this is a typical routine attempt by Mr Hargreaves to intimidate debate. We are not allowed to represent community or, indeed, police concerns. Let us talk about what can be done to help police, rather than gag debate or gag scrutiny of his ministership.

Finally, I note that the minister did not deny that he has misrepresented the facts in this case. He has not challenged the veracity of the figures I have quoted here today from *Hansard*, from questions without notice, from questions on notice, from other sources and from discussions in estimates. He has not questioned the veracity of the gap we have illustrated here today between what he has continually said about police numbers and supposedly increasing police strength versus what was pulled out of estimates. He has

failed to be able to mount an attack on what is indeed a very important motion in this place today. Will the minister now rectify the weaknesses in police strength? Will he start to support our police? Will the minister now begin to set the record straight regarding the truth about police numbers? Will the minister indeed apologise for misleading the house about the effective strength of ACT police?

Mr Hargreaves: Mr Speaker, I rise on a point of order. Mr Pratt has just suggested that I misled the house.

MR SPEAKER: You cannot accuse people of misleading the house, unless by a substantive motion. Mr Pratt, if you have done that, withdraw it.

MR PRATT: I withdraw that comment, Mr Speaker. We will reserve our opportunities in another way.

Question put:

That **Mr Hargreaves's** amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Seselja
Ms Gallagher	Ms Porter	Dr Foskey	Mr Smyth
Mr Gentleman	Mr Quinlan	Mr Mulcahy	

Question so resolved in the affirmative.

Question put:

That **Mr Pratt's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Seselja
Ms Gallagher	Ms Porter	Dr Foskey	Mr Smyth
Mr Gentleman	Mr Quinlan	Mr Mulcahy	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

At 6 pm in accordance with standing order 34, the motion for the adjournment of the Assembly was put.

Adjournment
Jewish memorial centre

MS MacDONALD (Brindabella) (6.04): Mr Speaker, I rise this evening to talk about the National Council of Jewish Women, Canberra section, and the fact that they have just celebrated their 50th anniversary. It was my great pleasure and privilege to attend their 50th anniversary celebratory dinner on Saturday night just gone with my husband, Brendan. It was veritable feast of food and culture.

As I said, the Canberra section of the National Council of Jewish Women, or the NCJW, started 50 years ago. Their 50th anniversary celebrations were held in conjunction with the national biennial plenary meeting, which was also held in Canberra over the weekend. About 80 people attended the event, with 30 coming from across Australia. The President of the National Council of Jewish Women of Australia, Robyn Lenn, opened the event and unveiled a plaque commemorating the Canberra section's 50 years of service and support. NCJW has been an integral part of life in the Canberra community from fundraising to social philanthropy to social activities. The guest speaker for the evening was ANU Professor Hilary Charlesworth, professor of international law, specialising in human rights.

Australian Jewish Women in the Arts, AJWA, a network affiliate of the NCJW, also launched a program at the event. AJWA aims to raise the profile of all Australian Jewish women working in the arts and is a free online service for making contacts, providing mentorships and presenting seminars for women in fields of music, drama, dance, fine arts and writing. The event was organised by the Canberra section volunteers including Canberra section former President Sylvia Deutsch, Sarit Cohen, Juliet Morris, Anita Shroot and many others. And they are all to be congratulated for putting on such a superb evening. It was a lot of fun. There were quite a few speeches but none of them was boring, I am happy to report. I think everybody who was present had a great time.

Founded in 1923 by Dr Fanny Reading, and formed nationally in 1929, the NCJW is one of the oldest Jewish women's organisations in Australia. The food for the evening was provided by Ethiopia Down Under and complied with the Kashrut laws by providing vegetarian food, as well as fish, so that people could partake in milk products.

An article recently put in the *Jewish News* by Darren Levin states:

> One of the ACT's oldest Jewish community organisations has turned 50.
>
> The National Council of Jewish Women's (NCJW's), Canberra section will celebrate the milestone with a gala dinner at the Canberra Jewish Memorial Centre on Sunday.
>
> Founded in 1955 by members of the community, including inaugural president Ruth Mendelsohn, the organisation has been at the hub of Jewish life in Canberra since its inception.
>
> "We're the community," said Sylvia Deutsch, former president of the NCJW Canberra and current board member of the NCJW Australia. "As far as women's organisations go, we're it."
>
> Attended by NCJW dignitaries including President of the NCJW Australia Robyn Lenn, who will unveil a commemorative plaque, the gala dinner will feature

> a talk by professor of international law at the Australian National University Hilary Charlesworth.

I will not read the entire article, because time will not permit, but I want to close by saying that my congratulations go to all the members of NCJW in Canberra and I am very proud to be a member of that organisation. It contributes to the rich tapestry of cultural life that makes up this city.

Canberra Theatre Centre

MR MULCAHY (Molonglo) (6.09): Mr Speaker, I make mention tonight of the 40-year celebration of the Canberra Theatre Centre which has presented live theatre in Canberra for the past 40 years and indeed has been a celebrated performing arts centre in Australia. It was conceived by the National Capital Development Commission in 1958, and was designed by Yuncken Freeman Architects of Melbourne. Canberra Theatre Centre was to become the first purpose built performing arts complex open in Australia. It was a major achievement for a young, growing city.

Since it was envisaged as a theatre centre more than 40 years ago, over seven million people have seen more than 9,000 performances in Canberra Theatre Centre including countless world and Australian premieres. On 24 June 1965 a spectacular ceremony proclaimed the opening of the Canberra Theatre with great fanfare as "elegantly gowned women, with their escorts in tails"—I'm using a description from the *Sunday Telegraph* of 1965—"applauded a gala performance by the Australian Ballet."

The first performance conducted was Tchaikovsky's *Swan Lake*, and it was the first time theatregoers in Australia could have a beer during interval, a major step forward for the theatre community. Indeed, workmen cleared construction rubble away only hours before the curtain was raised and the night was a dazzling success. This was reported more recently, reflecting on these events, in the *Southside Chronicle* on 10 May 2005, as they looked back on the history of the Canberra Theatre Centre.

The Canberra Theatre Centre was the first government-initiated performing arts centre to be completed in Australia. The centre, as you would probably all be aware, comprises the Canberra Theatre, with seating for 1,244 on one raked tier, the Playhouse with seating for 622 and the 90-seat Courtyard Studio for more intimate performances. Mr Speaker, as I believe you are aware, I had the opportunity to tour all these facilities, both back and front of house, some weeks ago.

As well as being hired by such well-respected companies as Bell Shakespeare Company and the Australian Ballet, the Canberra Theatre Centre provides the city with the finest arts and entertainment from around the country. It plays a vital role in presenting a broad range of first-class theatre to the local community. Since opening, the centre instantly became a focal point for national touring and has been used by most of Australia's leading theatrical producers and entrepreneurs including J.C. Williamson Theatres Limited, the Australian Elizabethan Theatre Trust, the Australian Opera, the Melbourne Theatre Company, the State Theatre Company of South Australia, and the Sydney Dance Company.

Initially, the Canberra Theatre Centre was built as a 1,200-seat lyric theatre originally intended to house national and international touring companies, with the Playhouse seating 310 and being used for local arts companies and smaller scale touring companies. Beside the 310-seat theatre, the Playhouse also comprised a small visual arts gallery, a meeting room and a restaurant, which proved to be very popular with the centre's patrons. In 1971 the covered walkway, which linked the two venues, was enclosed to create more foyer and function space for the Canberra Theatre and improve box office facilities. And, of course, there has been a series of extensive capital works upgrades in the life of the centre to improve the services provided to their patrons. As members are aware, the Canberra Theatre Centre link is under way with a redevelopment project of the territory government that should enrich the Civic Square cultural precinct with a building that will house both the Civic Library and Canberra Theatre Centre patron services.

This centre has seen some exciting performers pass through. These have included the legendary Dame Margot Fonteyn who graced the Canberra Theatre stage with the Australian Ballet in October 1970 to rapturous applause. In October 1973 Her Majesty Queen Elizabeth II and his Royal Highness Prince Philip attended a performance of the Australian Ballet. And in July 1992 Bell Shakespeare presented its first season with *Hamlet*, the *Merchant of Venice* and *Richard III*. The company continues to make regular visits to Canberra.

The Canberra Theatre Centre has a number of celebrations going on to recognise its 40 years. The centre is working with the Canberra Museum and Gallery, another wonderful institution we have here, and well managed, to present an exhibition of Canberra Theatre Centre, and the ACT Heritage Library and local theatre historians have undertaken an extensive archive project. The centre has also appealed to the residents of the territory to hunt for memorabilia. The celebrations, which I have been able to attend, started in the Canberra Theatre on 14 May.

Cohousing

DR FOSKEY (Molonglo) (6.14): Mr Speaker, one planet living is a joint initiative between Bioregional and the World Wildlife Fund that aims to make sustainable living easy, attractive and affordable throughout the world. The ACT Minister for Planning recently announced that the territory hoped to be chosen by One Planet Living's scouts as the location for the development that it plans for Canberra. I made the point to Mr Corbell and to the media that, laudable as this project is, we have our own home-grown version of a similar initiative that is waiting for planning approval.

The Canberra Cohousing group was formed in the year 2000 and is now a large group of people interested in creating a cohousing community in Canberra. It aims to build an urban housing development in the ACT. Cohousing communities, for people who do not know, consist of private, fully equipped homes and extensive shared amenities including a common house and recreation areas. They are designed and managed by the residents who have chosen to live in a close-knit neighbourhood that combines a healthy blend of privacy and community living. Cohousing expects that properties will be purchased by members from a plan for between $150,000 and $350,000 each. Homes are likely to

range from one to four-bedroom townhouses and apartments and to cater for a wide variety of people's needs.

Canberra Cohousing's strategic aims are to build a cohousing development of 15 to 30 houses in urban Canberra, to aim for the highest possible level of social and environmental sustainability in housing and to develop a diverse, tolerant, caring and supportive community. Canberra Cohousing has been allocated $620,000 to build six affordable and adaptable dwellings, thus contributing to the pool of much needed affordable housing in the ACT. However, there is a hitch. While offered a piece of land for purchase at market rates in Gungahlin, they are still waiting—18 months after their application was made—for the Land Development Agency to vary the lease arrangements. If the land transaction does not occur in the next financial year, the grant for housing will be lost. If this occurs it will be a great loss of a showpiece of socially and ecologically sustainable housing with a high percentage of affordable dwellings for the ACT. If one planet living chooses Canberra, that will be fantastic, but projects from our own backyard have the potential to be just as exciting.

Policing

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (6.17): Mr Speaker, I wanted to let the Assembly know, for the edification of Mr Smyth, the source of the figure of $68.2 million. Mr Smyth smugly sits there and says, "Go for it; I've got a piece of paper that says a different figure and I am going to do you later." Well, Mr Speaker, the $68.2 million was the amount appropriated in the 2001-02 budget. That is in fact the figure put forward by the previous Liberal government, in which Mr Smyth was a member of cabinet. I refer Mr Smyth to page 27 of the *Budget at a glance* document that his government produced. It reads:

> **POLICING**
>
> **2001-02 Policing Expenses: $68.2 m**
> Up by $3.1 million (5%) on 2000-01.

Mr Speaker, if we cannot rely on a budget that was passed by this Assembly, produced by Mr Humphries when he was Treasurer and supported by Mr Smyth when he was—

Mr Smyth: It changed.

MR HARGREAVES: Oh, it changed, did it? Oh, it changed, ooh, ooh—I suppose it dived into a telephone box and put its undies on the outside of its jeans, did it? Mr Speaker, my statement in this house was that ACT government expenditure has increased from $68.2 million in 2001-02—

Mr Smyth: And it's wrong; you are wrong.

MR HARGREAVES: Mr Speaker, I can start from Mr Smyth's own figures. If he wants to do something else about that, he can say which one of us has not said the absolute truth. I am relying on a budget passed in this place. That is what the budget was and that is the figure that is quoted.

Mr Douglas Wood

MR PRATT (Brindabella) (6.19): I stand to celebrate a couple of issues here. I would like to see the house celebrate the release of Douglas Wood and I would like to celebrate the successful operation by the Canberra family of Malcolm and Ruth Wood. Here we celebrate the dignity under extreme pressure of Douglas Wood and also the wonderful performance by this family who, with great dignity, managed an incredibly difficult affair. The Woods are impressive people. My wife and I had the honour to meet them during Douglas Wood's 47-day ordeal. The Wood family demonstrated a wonderful Australian tradition—unfortunately seen less and less often these days—of dignity in adversity and a composed response to a frightening challenge.

Other Canberrans also need to be acknowledged for their fine but demanding work in the tightrope challenge of rescuing Douglas Wood. They include DFAT, ADF and AFP personnel deployed as part of the emergency response team and those living and working here in Canberra supporting them. These sorts of operations are manpower intensive. They are emotionally draining on all, and these people are to be congratulated for fighting to bring home one of our own.

There is another group of Canberrans, perhaps little known, and they are the members of the Islamic community who facilitated a line of communication between Malcolm Wood and various Islamic leaders here in Australia as well as with Iraqi authorities and the Federation of Islamic Councils and, separately, with Sheikh Taj el-Din al-Hilaly. I see there is some criticism in the press about Hilaly but let us for a moment acknowledge the very effective role of the mufti, putting aside the unfortunate confusion over who did exactly what regarding the events on the day of release. Importantly, the mufti worked hard to at least keep the issue alive and to keep Douglas Wood alive. I think, by engaging as he did with Sunni leaders in Baghdad and in Ramadi, he kept the issue alive, and that was extremely important.

Then of course there is Douglas Wood himself. Judging by the character of his brothers, and from what I have learned about Doug, he seems to be an impressive and honourable bloke. His sense of humour in the immediate aftermath of what was clearly a sustained, horrible and death-defying experience is not contrived. That is the way he is I think. While I was very impressed with the media throughout the ordeal—they behaved fairly responsibly—regrettably, in the last couple of days, some of them have been a bit churlish. To say that Douglas Wood does not deserve to get some sort of compensation through media outlets for the terrible experience he has had, I think, is just unacceptable. And also for some people in the media to pressure Doug Wood or to ask Doug why he should not be repaying the Australian government for the rescue mission is again a pretty low act.

We are not talking about a man who is seeking to profit from crime nor are we talking about a man who defied all the best advice of the Australian government to recklessly go where others do not go and then have to be rescued. He was not one of the human shields, for example, who defied DFAT advice about going into Baghdad and then got themselves into trouble. He is not in that category. I think when people get to know this guy and what he actually did they will know that he was not simply there as an engineer and a businessman to earn money, but that he was actually quite keen about adding to the

development of civil society in Iraq, and he should be honoured for that. I celebrate and honour Doug Wood and his family Malcolm and Ruth, and Vernon from Melbourne, for their dignity, their hard work and their determination. They are an example to us all.

Industrial relations

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.24): Mr Speaker, as you are aware, the Stanhope government is committed to fair outcomes for all workers and supports the rights of workers to organise and collectively bargain consistent with the International Labour Organisation conventions and the Workplace Relations Act 1996.

I am sad to say that we appear to be on the cusp of great changes in the industrial relations landscape in Australia. To date, employers and employees in the ACT have worked happily together in a fair and equitable system. However, the federal coalition government, poised to take control of the Senate from July 1, has signalled an intention to return Australia to the dark days of the 19th century with measures that have been wrongly labelled industrial relations reform.

Mr Speaker, this is not the beginning of a brand new age of industrial relations. Instead, it is industrial relations revision—a revisiting of a time when employees worked without the safety net of a minimum wage, had protection from unfair dismissal and had the ability to bargain collectively. The front page of today's *Canberra Times* suggested the federal government might also be considering a return to the 40-hour working week.

Mr Mulcahy: Oh, here we go!

MS GALLAGHER: Keep it coming, Richard. We want you on the record with all this stuff. Earlier this week, 17 of Australia's leading academic researchers in industrial relations released the first comprehensive independent and expert analysis of the government's proposed changes to workplace laws. Their report found the federal government's proposed revisions will reduce the fairness of work for most employees and will have no direct positive impact on economic productivity or jobs growth. The ACT, like the rest of Australia, will suffer the effects of this industrial relations revision.

I would like to bring an important development in the fight to maintain the rights of workers to the attention of the Assembly. Today, Unions ACT launched their week of action to fight these so-called reforms. The week of action coincides with national action being undertaken by the ACTU. In addition to today's launch at Parliament House, several other activities will be available for members of the Assembly to participate in the fight for the rights of ACT workers.

This Friday and Saturday, stalls will be set up at shopping centres around Canberra providing an opportunity for members of the public to discuss the changes with federal parliamentarians. I expect all those opposite will be attending those shopping centre stalls seeking out information on how it is going to affect them. In addition, these stalls will provide an opportunity for members of the public, who understandably feel frustrated by the federal government's decision to strip back basic working people's rights, to sign a petition calling on the Howard government to guarantee that no

individual Australian employee will be worse off under its proposed changes. I will be signing this petition and I call on other members of the Assembly to follow suit and provide leadership in this area.

Unions ACT has also organised a peaceful protest from 11 am to 12.30 pm on Sunday outside the Hyatt Hotel Canberra. This will coincide with the Liberal Party conference, because that is where you will find the Liberals, and signal to the federal government the wider public's opposition to a reduction in protections for working people. Again, I expect to see all members of the Assembly there—particularly those opposite as they will probably be attending the Liberal Party conference—joining with other Canberrans to send a message that we do not support the attack on the rights of working Australians.

The week of action will conclude on 29 June with a community forum hosted by Unions ACT to discuss what constitutes a fair industrial relations system. I look forward to discussing this issue with others interested in protecting the rights of worker, including Mr Robin Brown, President of ACTCOSS, and Mr Richard Dennis, Deputy Director of the Australian Institute. Further information on all these activities is available on the Your Rights at Work web site, www.rightsatwork.com.au, and I encourage all members of the Assembly to become involved.

Question resolved in the affirmative.

The Assembly adjourned at 6.29 pm.