
# DEBATES

OF THE

# LEGISLATIVE ASSEMBLY

FOR THE

# AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

# WEEKLY HANSARD

19 OCTOBER

2005

**Wednesday, 19 October 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.

## Petition

*The following petition was lodged for presentation, by* **Mr Smyth**, *from 118 residents:*

### Glebe Park development

**To the Speaker and Members of the Legislative Assembly of the Australian Capital Territory**

This Petition of certain residents of Canberra in the Australian Capital Territory, draws to the attention of the Legislative Assembly that

A Development Application has been made (200404901) for the construction of a **4 block 8 storey high residential complex of 189 units**, adjoining Glebe Park on the former Glebe Park Food Court site.

Your petitioners are concerned that:

a. The amenity of Glebe Park and the Reid heritage precinct will be adversely affected if this proposal proceeds.

b. Use of the land for residential purposes is inappropriate given the proximity of Glebe Park.

c. Extension of Glebe Park to include all or part of this land deserves serious consideration.

d. Acquisition of the land by the ACT government for addition to the National Convention Centre site, also deserves serious consideration.

**Your petitioners therefore request the Legislative Assembly to**

- ensure that the land is developed for the benefit of the community and of Glebe Park and not for private residential accommodation purposes AND therefore to

- oppose the Development Application AND to take all steps to ensure that the Development Application is not approved.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

## Guardianship and Management of Property Amendment Bill 2005

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

Title read by Clerk.

**MR STEFANIAK** (Ginninderra) (10.32): I move:

> That this bill be agreed to in principle.

It is with pleasure that I rise to speak today to introduce the Guardianship and Management of Property Amendment Bill 2005. It deals with the estates of missing persons and will enable families and other persons such as business colleagues to administer the estates of missing persons in their absence.

At present in Australia, many families suffer hardship and great emotional stress as the result of their inability to protect the assets of loved ones or provide for their dependants. Some 30,000 people go missing in Australia every year and, while most of them are found, a small number, about 150, are never found. At any one time in our country, some 3,000 people are missing and have been missing for more than a few months.

In the ACT, missing persons have little status in law and their families at present are unable to administer their estates. Only the Public Trustee can. It means that families cannot protect the property of missing family members by doing simple things like making mortgage repayments, negotiating with a lender or accessing resources to pay for dependants and to service debts.

New South Wales recently passed the Protected Estates Amendment (Missing Persons) Act 2004 to deal with the often-complex problems created when a person disappears. A number of cases were quoted in relation to the need for such provision in the lead-up to the New South Wales legislation.

In one case, a non-English speaking wife and small children were left without access to money after the disappearance of the father and husband. The lady there had no access to her husband's superannuation or work entitlements. Apart from the normal trauma that is caused when a loved one goes missing, that caused severe problems for the family.

In another case, used as a rationale for changing the law, a man in the middle of renovating his home went missing. The bank resumed his house, as that man's parents were not able to make mortgage payments or negotiate with the bank. Perhaps some of the problems here are also due to the fact that the privacy laws are so strict. That is another thing that probably needs looking at.

Another example perhaps in the ACT could be Mr and Mrs X and their daughter. Let us call her Y. Y owns a house in Kambah and has a mortgage with the bank. She lives alone there; she does not have a partner; but she does have parents. Y goes missing and, despite all the family's attempts to find her, has vanished without trace. Because of privacy reasons, her family cannot get access to the information as to how they would pay for the mortgage. They would not be able to administer her estate; they would not be able to arrange for a tenant to be put in so that the mortgage could be paid by way of that. So there is a potential there for the bank to resume the house.

This bill is based on the New South Wales model and would allow family members or, in the event of disputes or problems within the family, a neutral third party to administer the missing person's, family member's, estate by seeking a declaration from the Guardianship and Management of Property Tribunal. If the missing person returns, they then can resume management of their own affairs.

Efforts to locate missing persons are presently hindered by the refusal of government and non-government authorities to provide information of evidence of life, on the grounds of privacy. The inability of families to look after the interests of their loved ones or for dependants to access their financial resources certainly causes great stress and emotional hardship.

I must say that the ACT at present is in a better situation than New South Wales was pre-2004. Our Public Trustee Act 1985 does at least enable the Public Trustee to apply to the ACT Supreme Court for an order to appoint the Public Trustee as manager of property where the whereabouts of the owner of the property is unknown or whether it is not known if the owner is dead or alive. So there is some limited protection here.

However, there is no ability for the family to adopt this procedure and cut out the Public Trustee. There is no ability for the family to apply to administer the whole of the deceased person's estate. The Public Trustee, of course, charges a fee. As I indicated, it has a limited application here. It would be far simpler if there were a much more liberal regime to enable members of the family especially to take over administration of a missing person's estate.

In the ACT at present, the Public Trustee, where property is valued at $10,000 or less and without making an application formally to the Supreme Court, can become manager of a property by filing in the office of the court a notice of election. They then would become manager of the property in respect of which the order is made. But again, a fee is charged there. I must say this is not a situation that occurs regularly in the ACT. I am advised by the Public Trustee that only on very rare occasions have they taken any steps. They are looking at a handful. However, it is a fact that people go missing in the ACT.

In New South Wales, as a result of their amendments last year, the class of persons who can apply to administer a missing person's estate are: a domestic partner of the person; a relative of the person; a business partner or employee of the person; the Attorney-General; the Protective Commissioner; and anyone else who has an interest in the property. In the ACT, instead of the Protective Commissioner, I have added the Public Trustee and the Public Advocate as the two suggested bodies. I have been advised by Parliamentary Counsel that they would be appropriate here.

Apart from that, effectively I have replicated the New South Wales act. By doing so, I have made it possible for the families of a loved one to administer the estate in a simple and cost-effective way. This bill would apply to property valued from 1c up to millions of dollars.

Parliamentary Counsel has spoken to the Public Trustee on this matter. I understand that the Public Trustee have no problems with this. It is, after all, much simpler than the current processes and certainly covers far more possibilities than are allowed at law at

present. At present, only the Public Trustee has the ability to go to the Supreme Court on those limited grounds that I mentioned.

Turning to the bill itself: the bill changes the legislation by adding to the Guardianship and Management of Property Amendment Act a new section 8AA. It does that in clause 4, which deals with the management of a missing person's property. What this provides, firstly, is that the tribunal has to be satisfied that someone is a missing person; that that person is normally domiciled in the ACT; that, while that person is missing, there is likely to be a need for a decision in relation to a property; and that they are likely to be adversely affected if a manager is not appointed.

Secondly, the tribunal may be satisfied that a person is missing only if the tribunal satisfies itself that it is not known if the person is alive; that reasonable efforts have been made to find the person; and that for at least 90 days the person has not contacted anyone living at their last known home address and has not contacted any friends or relatives with whom they would be likely to communicate. Contact has been described as a telephone call or even the sighting of a person.

If those criteria are satisfied, the tribunal may, by order, appoint a manager to manage all or part of a missing person's property and estate with the powers, which the tribunal is satisfied are necessary, to allow the manager to make decisions in relation to the property just as if the missing person was a protected person. A protected person is defined in section 5 subsection (1) of the principal act as a person with impaired decision-making ability. The powers that are given to the manager are the powers that the missing person would exercise themselves were they there.

As indicated, an application for appointment of a manager under the new section can be made by any of the following: a domestic partner, which would most likely be the norm; a relative; a business partner or employee—and remember that the tribunal would be able to order that a manager manage part of the missing person's property so that, if there were business interests which needed to continue to protect the person, a business partner or employee could do that; the Attorney-General; the Public Trustee or the Public Advocate; and anyone with an interest in the property. So this is a replication of the New South Wales section, with the Public Trustee or the Public Advocate being put in in place of the New South Wales Protective Commissioner.

The reason that the Attorney-General and the Public Trustee or the Public Advocate are in there is in case there are disputes—for example, family disputes. If there are allegations that it might be improper for a family, business partner or whatever to administer the estate, it still ensures the rights of the missing person are protected by a public official, in that case, doing the administration.

Clause 6 of the bill provides for the tribunal to remove the manager of a missing person's property if it is satisfied on application by the person, that is, by the missing person or anyone else, that the missing person is alive or dead, in which case any will they have would clock in, or presumed to be dead if missing. The current status there, I am advised, is that if someone is missing for 7 years they are presumed to be dead.

The rest of the bill makes necessary procedural changes and deletes section 34 subsections (1) (b) and (c) of the Public Trustee Act. This bill, as I said, is far more

substantive than those two limited provisions of that act. They are superfluous and are therefore subsumed into this bill.

As indicated, the Public Trustee does have a role and can be appointed to manage a person's property still. But the class of persons has been greatly expanded and the work they can do has been greatly expanded. The process has also been simplified. It goes before the tribunal, which is a far simpler and far more appropriate jurisdiction than having to go through the process of going to the Supreme Court. Processes have been brought into line with the sensible improvements that were passed into law in New South Wales last year.

I do not think this bill is something that is going to be used all that often but it is particularly traumatic when a loved one goes missing and it is even harder for that person's relatives, spouse or partner, business colleagues and friends, if that person's property cannot be looked after adequately in their absence. This bill ensures a simple process whereby a person's property and financial affairs can be protected by a properly-appointed person while that person is missing.

I thank Parliamentary Counsel for their efforts in relation to this and the work they have done. I have only recently settled the bill. I will knock up an explanatory statement that I will provide to members. I commend this bill to the Assembly.

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

## Industrial relations

**MS PORTER** (Ginninderra) (10.44): I move:
That this Assembly:

(1) notes:

(a) the Federal Government is expected to spend $100 million of taxpayer money promoting its new unpopular "WorkChoices" industrial relations reforms;

(b) these advertisements are expected to run for over a year, whilst the Federal Government will only allow the changes to be examined by a Senate inquiry for two weeks;

(c) the Federal Government intends to use its "Territories Power" under the Federal Constitution to ensure these reforms apply in the ACT immediately upon their passage through the Federal Parliament;

(d) this will:

(i) make the ACT a guinea pig for these changes, particularly Commonwealth and ACT public servants; and

(ii) have a negative impact on sporting and community groups; and

(2) calls on the Federal Government to abandon its industrial relations proposals because of the negative impact they are likely to have on Commonwealth and ACT public servants.

We in this place have consistently expressed our disappointment at the harsh reality of John Howard's fourth term agenda; we have commented on the impending sale of Telstra and the effects on ACT residents; we have debated the detrimental effects on our community of voluntary student unionism legislation; and we have expressed our dismay at the nature of proposals to move sole parents and those with disabilities into the workforce without respect for the impediments they face. But until now, I could always attribute this misdirection of policy to populous politics and cheap point-scoring. However, with the introduction of the WorkChoices legislation package, the government has gone a step too far. They have ignored public sentiments and simply sold out middle Australia so that John Howard could fulfil a lifelong ideological ambition.

My colleagues have spoken in this place a number of times about the direct effects of this legislation and what it will mean for the working conditions of ordinary Australians. While I add my wholehearted endorsement to their outrage over proposals such as reducing the number of allowable matters to five, withdrawing dismissible protections for employees in firms with fewer than 100 workers and extracting the teeth from the Australian Industrial Relations Commission, I wish to highlight other injustices which will inevitably be a by-product of this legislation. I also wish to highlight the disdain with which the federal government is treating the Canberra community by using its controlling powers to test this draconian legislation on our citizens.

The Howard government has no mandate for these changes. They were not part of the legislative package that Mr Howard took to the Australian public in 2004. They are simply the effect of Mr Howard's power grab. Mr Howard no doubt came into work on the first day of the 2005 sitting period and realised that barnstorming Barnaby Joyce had effectively delivered him the power to institute an agenda he had personally developed back in the 1950s. Or at least so he thought. Maybe, just maybe, we will see the coalition senator have enough ticker to stand up against this abuse of power. But I will not hold my breath.

By implementing this agenda of which these IR changes are an integral part, Mr Howard has ignored the basis of representational democracy and, in doing so, has ignored the responsible examples set by the majority Stanhope government. When a government is entrusted with the power to institute policy unfettered, they have a responsibility to consult and to be responsive to the needs of the community they represent.

Opinion polls and surveys have continually told us that between 60 and 80 per cent of Australians are opposed to this IR legislation. They have unquestionably said that they are opposed to the withdrawal of their working conditions and their ability to negotiate fair wages and conditions.

So what is Mr Howard's strategy to address this expression of dissent from the voters who put him in power? He has decided to spend over $100 million of their hard-earned tax dollars to develop and implement a propaganda campaign designed to trick them into supporting the abolition of their conditions.

Given the widespread opposition to these reforms, one would think Mr Howard would have found it difficult to convince ordinary workers or even actors to participate in the production of this propaganda advertising. I must say that I found it strange that there

were so many ordinary workers, smiling and looking excited about the changes. Then, this morning, we find out that this was because they did not know their faces were being put to this purpose. One of the workers, I am told, thought he was participating in a campaign to improve health and safety in the workplace. It would seem that a culture of deceit and deception in the workplace is already starting.

The extravagance of this public advertising campaign is one thing. But if the government has expressed such a commitment to ensuring that the community understands the effect of these changes that they are willing to spend over one million of taxpayers' dollars a day on disseminating information throughout the community, then you would think that they would be willing to allow the public a worthwhile opportunity to express their reaction to the changes.

Indeed, we thought this would be so, when, in August, workplace relations minister Kevin Andrews expressed the view that there would be an extensive Senate-based inquiry into the change. However, this excitement was squashed when the terms of this allowable inquiry were announced. The underlying hand of John Howard was made clear. The inquiry process would be carefully controlled and the major contentious issues would be ruled out of the inquiry's scope.

For example, the blacklist included suspension of bargaining period, remedies for unprotected industrial action, reform of unfair dismissal arrangements, award simplifications, freedom of association and right of entry for employee representatives. On the top of this list, which essentially shuts out any investigation of the WorkChoices reform program, the committee was given a deadline of 22 November, that is, two weeks, to examine the most comprehensive attack package on workers' rights which we have seen.

This strategy is indicative of the Howard government's entire approach to public consultation since taking control over both houses of federal parliament. What they simply do not understand is that their control of the legislature does not entitle them to the control of the hearts and minds of Australian workers. Australians will defend their right to enjoy a free and fair workplace and will undertake numerous strategic options to ensure this basic right is protected. The Howard government may have the capability to cut short any kind of legislative scrutiny, but they will not silence their critics simply by cutting short committee hearings and spending the war chest on fancy ads and glossy magazines.

These reforms will speak for themselves, and our community will not be fooled. In particular, I have great faith in the willingness of the Canberra community to unite in their opposition to these workplace changes. This will be especially important given the expressed intention of the Howard government to use the territories power and thus make the Canberra community a collective guinea pig, which will feel the impact of these changes immediately upon the legislation's passage through the federal parliament. This situation is unacceptable. Representatives of this community cannot and should not sit idly by while the rights and conditions of community workers are stripped away to satisfy a federal government agenda which up to 80 per cent of Canberrans have expressed their disdain for.

It is my belief that the passage of this legislation will spell the beginning of the end of this vibrant community that we enjoy here in Canberra. As Mr Stanhope pointed out to us yesterday, the devil of the legislation is inevitably in the detail. The devil of this legislation is in the secondary effects—the opportunity costs associated with employment in the new Howard-designed labour market.

For a start, we will see the destruction of family life and relationship building. Why? In an environment where the difference between a job and an unemployment queue is based solely on the comparison between you and your competitors, everything which does not contribute to employment becomes a liability, including family time, voluntary contribution to your community—like helping out the local junior sporting team, your school tuck shop, Meals on Wheels; like tutoring people in the English language. We all know how vital this work is. And I could list many more examples.

Communities are built on the goodwill and the involvement of their citizens. This is one of the fundamental reasons why Canberra is held in such high esteem, with over 42 per cent of its population volunteering on a weekly basis. Without this time and ability to make this contribution, the concept of community will wither here in Canberra. John Howard has turned the tables on volunteerism in this country. Instead of protecting the right of Australians to make their contribution and enjoy friendships which come with volunteering and build valuable social capital, Mr Howard has made employment a voluntary activity, at least in terms of their conditions.

These reforms are bad. They are bad for all Australians; it is as simple as that. They are bad for the economy; they will kill off any concept of community; they will destroy families; they will undermine the health of ordinary Australians. They are so fundamentally bad that the advertising firms, with over $100 million of taxpayers' money at their disposal, have been forced to trick workers into appearing in the ads. They are so terrible that government has constricted the inquiry to just two weeks, barely enough time to read the legislation itself. The question has to be asked: why are the government's reforms so bad and so unpopular? Why is this?

The purpose of government is to construct a society that allows each individual to prosper. We know the ACT's Canberra plan in fact states that vision. Unfortunately, the Howard government concentrates too heavily on the concept of the individual and, as such, shrinks its responsibility to manage and develop prosperity in the community.

I implore our federal government to realise the harm in what they are doing and abandon their IR reform agenda so that community spirit can continue to soar and people can truly adhere to the adage "work to live", not the other way around. I also implore every member of this house to urge the federal government not to continue with this very damaging IR reform package.

**MR MULCAHY** (Molonglo) (10.55): There is a sense of deja vu with this matter that has been put forward by Ms Porter. I suspect I will be having that feeling again later as we continue to discuss this issue of industrial relations. There were a number of points that Ms Porter made. This angst to try to pass negative judgment on a very progressive plan to improve Australia's industrial relations system before the full detail has been contemplated, before it has been given a chance to work, is regrettable.

Much is made of the $100 million that is supposed to be going to be spent on promoting understanding of the government's workplace reforms. I do not know the basis of that figure. It is certainly not one of which I have been briefed, and I have had briefings on this legislation extending back some months. But the more important point is that we expect people to be educated on change. It behoves government to do so. Despite the rather futile attempts by the ACTU and various territory and state governments to muzzle that counter point of view while they felt they should be able to run their point of view on the airwaves—of course they were unsuccessful—the opportunity is now there for people in Australia to get a more balanced perspective on the proposed changes.

The government has a responsibility to make sure that everyone in the community understands the reforms. It did the same when educating people on the need for the GST and explaining how it would work. To do that it had to spend an amount of money. I did not like the ads particularly, but experts no doubt felt that they got the message across and it was understood. It was obviously money well spent. I believe, as in the case of industrial relations laws, after we have lived with what I referred to yesterday as an anachronistic system that is built on the British adversarial system, steeped in complexity and a multiplicity of awards and legislation, we are at last seeing progress towards reducing the complexity of that process.

Some of us in this Assembly have had lives in industrial organisations. I know, Mr Speaker, you have a better appreciation than most about industrial relations affairs. Much was made of the award simplification process that was meant to deliver wonderful improvements to the industrial system. Whilst there were positive measures out of that, I thought, in total, it was disappointing in that we were still left with quite complex documents for employers and their employees to find their way through.

The program that is being presented federally is a positive one in that it is ensuring that employers and employees must know their rights, obligations and opportunities under the new arrangements. It is essential that people be fully informed. To contemplate the alternative, not spending money on informing people, is quite absurd. I cannot help wondering whether the real motive is simply a matter of: "We do not want to have the other point of view heard because, ultimately, it will be more compelling," as it was in the case of tax reform where members opposite and many of their colleagues on the hill were dismissive of that program and warned of negative outcomes in the future.

I want to revisit and take members back to a motion of Mr Gentleman's back in September. I spoke to that motion then. I want to take the clock back to 1996 when we had the same ALP doom-saying and predictions then of doom and gloom as are currently being advanced by Ms Porter and her colleagues opposite in the Labor Party. Once again we were told the world, as we knew it, was going to come to an end; gloom and doom would prevail.

Let us recall what the man who is now the shadow IR minister—I think he is this week; it changes up on the hill so often; we are never always sure who has got the hat—Stephen Smith, who, as I have said previously, is one of the more capable federal Labor shadows, said in 1995:

> The Howard model is quite simple. It is all about lower wages; it is about worse conditions; it is about a massive rise in industrial disputation; it is about the abolition of safety nets; and it is about pushing down or abolishing minimum standards. As a worker, you may have lots of doubts about the things that you might lose, but you can be absolutely sure of one thing: John Howard will reduce your living standards.

That was in 1995, and here we are in 2005—

**Mr Hargreaves**: It just took a long time getting there.

**MR MULCAHY**: I see. Mr Hargreaves thinks he has taken a while to get there. I will tell you what: along with my 20 million fellow Australians, I am enjoying the pain and suffering of this decade while he tries to get there. We have had record levels of employment; we have had low rates of inflation. Even the unions cannot motivate people to get excited because we have got the lowest level of industrial disputes since records were kept in 1913. These tyrants in the government are going to take away rights and lower the standards of living!

What else has this terrible fellow John Howard done in 10 years? While we are suffering the pain of getting to the point of ruination, he has been responsible, with his friend Mr Costello, for increasing average real wages by over 14 per cent. What did the workers party do? The workers party got it up by 1.2 per cent in 13 years of Labor between 1983 and 1996. It is absolutely atrocious.

Many people in the labour movement felt sadly let down by the performance of Labor in that time. If you look at the voting patterns in so many areas of Australia that were once Labor heartland, particularly in western Sydney—Ms MacDonald has, I know, got a good knowledge of the Sydney political scene—we have seen people evacuate the Labor Party in droves and support the Liberal cause. Why is it? It is because they have got a home, they have got a job, they have got pay, their kids can get work, their partners can get work, the rate of inflation is down so the rate of growth and their costs of living are down. This is all the terrible stuff that Mr Hargreaves is saying that Howard has taken a while to get to—ruination.

Ms Porter talked in terms of the 1950s agenda of John Howard. It sounds bad if something is old. That is taken as sufficient condemnation. In fact, if you go back some years and see the historical performance of Australia in those periods, particularly under the Liberal government of the 1950s, you saw very, very strong economic growth, massive levels of growth in employment, low levels of inflation and low levels of interest rates.

If we want to talk about lousy performances in the past, let us look at the historical performance of Labor in the mid 1970s. That is when you should quit, Mr Hargreaves. I saw the ruination caused by 18 per cent rates of interest, businesses failing, people paying 21 per cent for business loans. All this was the result of these harebrained schemes that came from a group of people that had been out in Siberia—out of government, for so long that when they got their hands on the controls they did not know what to do.

Certainly the damage caused by that short period of government has lasted in the Australian economy for quite a while, but it is wonderful that we are now starting to see all of those adverse impacts gradually whittled away while the commonwealth government gets that massive debt down that Labor was so fond of borrowing for offshore and getting the tax system improved. I am really hoping that we are going to see better and more improvements in tax reform. The industrial system is now going to be one where the people in the workplace are the ones whose issues have most consideration, not employer organisations or union organisations. I think that is the exciting thing about the process of industrial reform that is coming out of this Australian government.

Ms Porter, in sweeping tones, dismissed everything the Howard government talks about. She said they are pushing to get rid of the VSU. What a great achievement that tyrannical charge on students in Australia was. It has been fought for 30 years. It was used to fund the Labor Party's campaigns. Here it is, going to go out the door; they are going to have to bleed money out of some other poor group of people. You talk to any university student—it would not matter if they voted Labor, Liberal, Greens or independent—and they will say to you, "This is terrible. What can you do to get rid of it?" Fortunately, we have been able, as a consequence of people like Senator Abetz—Mr Stanhope's good friend—championing the cause in the Senate, to get rid of that terrible impost.

We talk about all these terrible things that the Australian government has achieved—the low unemployment, the low inflation, the stable and productive economy. I guess I can cope with that. I suppose we will just have to struggle through and endure a little bit more of it because I do not see too much prospect of things changing on the hill. I see poor old Mr Beazley up there, hanging in there, trying desperately to sort out his party. They are not behind him. I do not think there is much prospect that he is ever going to be in a situation of leading the government of this country, especially while we see positive initiatives such as those that we are talking about today.

The tragedy of this whole debate is—I said to a senior trade union official recently, "I have got to commend you. Your campaign has been very clever,"—that they have been quite successful in frightening a lot of people. Certainly it nearly worked in the tax campaign but, gee, people have changed their minds now. I said, "It was a very deceptive campaign, but very, very good at scaring people."

People would not realise—and I want to make sure this is on the record—that, in fact, so many of the rights in the workplace are protected by law. And they will be under this government. The minimum award classification wages, the annual leave, personal carers leave and parental leave—all of these things are going to be protected by law. I take you to the web site, if there is any confusion amongst members opposite, because it is spelt out very clearly there; there are reams of detail available. You will understand, when you look at it, that in fact the fair pay commission will protect minimum award classification wages.

There are many in the community—and I am not one of them—who said this was far too conservative in terms of its approach, that Australia could accommodate a more interesting level of reform. In fact, the Howard government has taken the view that they want something that is fair for those at the workplace and fair for employers.

I know that the ACT, of all jurisdictions, is probably the most radical in its opposition to the federal government's IR agenda. I noticed, though, a distinct lack of numeric support on the ground. The demonstrations have been pretty ordinary. We needed the Chief Minister to authorise that they could have time off with full pay so that they could go out and demonstrate. It smacks a bit of rent-a-crowd. Then we got a handful of the faithful out there to protest against John Howard at the Liberal Party dinner. I think Mr Gentleman brought a few of his mates and neighbours. The fact of the matter is that there is not the groundswell of concern that members opposite would like to see as a result of this.

The government's program has to be given time to work. No doubt, time will see changes. There are always changes. I am not saying every system and change this government has put forward is perfect, but certainly I believe what they are looking to do is create an equitable environment.

Ms Porter talked about people not being able to negotiate their pay and conditions. That is what this is all about. This is about letting people negotiate their pay and conditions and not having a couple of visitors from Sydney come down here. Do not talk to me about the merits of this system. I have been in the industrial relations system in Canberra. I have seen John Morris and Peter James drive down from Sydney in a Jaguar and tell the little housekeepers at the Hyatt, "We are negotiating for you, and this is the deal." Then they have sat down with me and said, "We have got to get back to Sydney." Probably the races or something were on. Basically, they signed off on an arrangement with little interest for the people whom they purport to represent. This is old-style industrial relations that has no place in a modern economy.

It behoves government members to start supporting improvements, supporting an industrial system that in fact ensures that people in the workplace and the employers, those with a direct interest, have a chance to develop flexible arrangements that reflect their system—not something that is dictated by trade union officials parked up in Sydney or down in Melbourne and are done with complete disregard for the needs of their members. That is an indication of why so few people down here want to send off the money any more to join the unions. They have not been served by some. Some have been good representatives. I do not want to be critical of all.

I have tried to work, believe it or not, with the local trade union movement on this legislation. I will talk more about that a little later. Certainly time is of the essence. Let these measures be considered.

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

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.10): I rise to support the motion of Ms Porter today. I must say that it is always good to get Mr Mulcahy on the record because *Hansard* lasts forever. The beauty of *Hansard* is that we will be able to flick back through it and reflect on those wonderful statements he has just made in support of the federal government's workplace relations reform.

There will be fantastic material there to hand on to students and other groups in the community that gives a true insight into the man that would like to be the leader of the ACT community, should the people be so brave as to vote for him. Mr Mulcahy, as he did yesterday, talked about increased flexibility and described the plan being put forward by the federal government as exciting, positive and progressive. The question that springs to mind is: progressive and flexible in which way? All the analysis that we have seen coming out of the proposed reforms is of progression and flexibility being down for the working people. There is flexibility for the boss and flexibility for big business—there is progression there, certainly—but, for the working people, flexibility is down.

The reforms are removing conditions that are currently there to protect the working people and improve their conditions at work. They are about removing those, legislating for minimum standards only. Yes, the people under the award system now, from what we understand of the WorkChoices booklet, can stay on their awards and keep those provisions, but there is a very clear push in the WorkChoices document to get people off awards and onto AWAs. I have heard the Prime Minster talk about that.

The minute anyone goes onto an AWA, all of those award protections will go because they are up for being traded away. That is an issue that conservatives talk around when they are singing the praises of this legislation,. They do not actually get to the detail of the WorkChoices document, which is that there will be four minimum conditions. There will be award protection for those who are currently on awards, not for people who will be joining the workplace in the future, but there will be a very strong push to get those people who are currently on awards onto AWAs. The minute they move off awards, all of those award conditions that protect them will go.

Some people say that that is not going to be the reality in the workplace, but we know that it will be. We know that when those flexibilities open up for the employers they will, in the interests of profits and in the interests of competition, push to reduce people's conditions. It will help their profit margin to do so. It is not rocket science that an employer having the alternative of reducing labour costs by taking conditions from people or keeping labour costs where they are now will choose the cheaper option and people will be forced to make those decisions.

An interesting comment that we just heard from the shadow minister for industrial relations is that he had had briefings on this legislation spanning back some months. It is very good to know that because none of us has. I cannot think of a minister around the country that has had a briefing on the legislation, but we are to believe that the federal government has given the shadow IR minister here a special briefing spanning some months on what it intends to do under its legislation. If that is the case, I think that he has a responsibility to the community to stand up and tell us all about those briefings he had and to give us the detail that he knows because the federal government has been so secretive about this legislation.

The federal government has refused to talk about the legislation with anyone. Apart from the four ministerial council meetings that it cancelled, Minister Andrews did give a commitment at the one that he attended to have a Senate inquiry, which was quickly stomped on by the Prime Minister. He also made it very clear that this drafting exercise was the most significant the federal government had ever undertaken since coming to

power in 1996. We presume that there has been a complete rewrite of the Workplace Relations Act, although we cannot be sure about that. Maybe the federal government is drafting a completely new bill that will override other pieces of legislation as well. But the federal government has been very clear that no-one is going to get a briefing on this legislation until it is introduced.

Mr Mulcahy is probably the only person in the country that has had that kind of insight into the great minds that are designing this legislation. I think that it is his responsibility to stand up and tell us what those briefings were about because these laws, when introduced, will come into effect straightaway in the ACT. The states may be in a position to pursue legal action and stop the changes taking place straightaway, if they can manage to seek an injunction or pursue action through the High Court, but once this legislation is enacted we will have these laws in operation in the ACT. That is the reality for ACT working people. It is not going to be something that we will have time given to see how it is applied and see how it will work in the workplace. These changes will happen straightaway. If Mr Mulcahy has any advice on what is to be in there, I think all of the ACT community would be interested to know.

Mr Mulcahy runs the line that it is essential that people are fully informed about these changes. We agree. We would love to be fully informed on these changes. I have not been privileged to have the briefings spanning back some months that Mr Mulcahy has had. We can only go on the information that the federal government provides to us. There is not going to be much time to look at the legislation. The legislation is going to come in and then there is going to be a very short period, perhaps two weeks, for the public to look at the legislation and then it will be passed, presumably.

We have to be talking about these laws now, but the only way we can talk about them is by doing so based on what we know from the federal government's PR campaign. Mrs Porter's motion today talks about the impact on the public service and the impact on community life. If penalty rates, shift rates, public holidays, and annual leave loadings are all up for grabs and all start being whittled away, life in the community, particularly life in the community of a weekend, is going to be very different for many families.

Mr Mulcahy says that he has been enjoying life over the past few years, that his world has not ended. We are all heartened by that. It is good to know that Mr Mulcahy has a nice life and that he has not been inconvenienced by any of the changes that were introduced in 1996, but many people have. Many people have suffered. Life on the minimum wage is not tremendous in terms of the choices you can make, the flexibilities you have, and the decisions you can take, such as whether a child can go on an excursion as there are other things to plan for.

No longer will there be a living wage case every year. The Fair Pay Commission is to be about the minimum wage. The only commitment we have about the Fair Pay Commission is that it will not reduce the minimum wage that was set earlier this year. When it comes into operation next year, all those people that work on minimum wages will be lucky as it will not cut what they got a year ago. That is going to give a lot of comfort to all of the millions of people that work on the minimum wage! For Mr Mulcahy to stand here and say that his life did not change irreparably when the changes came in is just unbelievable.

The concerns that members of the Labor Party are raising are not about our privileged positions, with our good salaries, our cars and our ability to make flexible workplace decisions. They are about the people we represent in the community that do not have the flexibilities we have. As legislators our job, I would have thought, is to improve the lives of others, to improve the protections, to improve the standard of living and to improve the opportunities for children and generations to come. Obviously, that is not something that is shared by members of the opposition sitting across from me. Certainly, we know that it is not shared by the federal government.

We look forward to the secrecy being lifted off the legislation. The only reason I say that we look forward to it is that for the first time, unlike Mr Mulcahy with his briefing spanning back months, we will be able to see what the laws mean and how the federal government will be legislating. Will they be legislating across the field, as they allude to in some of their policy documents? Once we have that detail, we will be able to look at the legislative powers of the ACT, the current legislation concerning parental leave, long service leave and annual leave, and see what we can do to protect the ACT community from some of these changes, if we have any capacity at all. You can be certain that that is work that we will be doing. We will not be just sitting here and saying that, because life is good for us, we do not have to worry about anybody else.

**DR FOSKEY** (Molonglo) (11.20): Given the matter of public importance and several questions yesterday and the two motions on the notice paper today pertaining to the federal government's industrial relations changes, I think it is clear that I do not need to put all the details of the Greens' position and analysis of these matters on the table in this debate as there will be plenty more opportunities. So, in responding to this motion, I am going to focus on the notion of truth in advertising.

According to the Liberal Party of Australia, the last federal election was about trust. In reality, of course, it was more about fear. As one of the Australian Greens, I was surprised at the ferocity of unfounded fear-based attacks on us that were kicked off by the federal government at the start of that election and perpetuated by News Ltd and some of the Christian right. More broadly, however, the key component of the campaign against the Labor Party was the fear of interest rate rises, with the fear of job losses, the fear of terrorism and the fear of intellectuals thrown in on the side.

I think that it is important to remind the Assembly that the WorkChoices changes were not flagged during the 2004 election. I wonder what view Tasmania's CFMEU forestry division now has of John Howard and the government that they helped to return. Perhaps part of the price of the forest deal was their silence. We will see. Therefore, it has been entertaining that the fear campaign run by the ACTU has got under the skin of the Liberal Party so much.

This motion makes mention of the massive investment of public money in promoting the federal government's policy to simplify the industrial relations regime across Australian and unpick many of the protections that have developed over the past 100 years. To call the scheme "WorkChoices" suggests that it is a choice for all. "Choice" is a high-value word in the conservative/business free-market lexicon. Of course, in this context, choice is a red herring. Ironically, its use increases as the actual range of choices for ordinary people decreases and is increasingly determined by their income. Similarly, the rationale

for increasing funding to non-government schools is to give people interested in purchasing a social cache for their kids the choice of a range of non-government schools.

WorkChoices will give the better-resourced employers more choice in how they organise their operations and their work force, without a doubt. It will perhaps give high-value staff or those with skills that are sought by employers a wider set of choices, but it will not give those people being pushed off the disability support pension, those with only high school education, those who are looking for their first job or those trying to enter the work force or re-enter the work force any real choice.

Let us look at what choice we really are being offered in this campaign, because the language used is key to this whole debate, really. Howard has said, "We have chosen 'WorkChoices' as a title because there will be far greater choice under this system." I guess the big choice for workers is whether to take up workplace agreements. As Professor Mark Wooden, the deputy director of the Melbourne Institute, says, "Surely this is not much of a choice, given the government intends to continue to undermine awards." He believes that the direction of change is towards providing workers with less choice.

There is not much choice for Billy, who has to trade off conditions because that is the only way that he can enter the work force. Our federal government and, presumably, the Liberal MLAs in this place think it is fair enough to make a class of working poor in this way. The duplicity of the approach lies in calling it a choice. Just think what we could do with $100 million if we decided to improve the conditions for working people at the lower end. Imagine what we could do if we actually used carrots to entice people into the work force, rather than the sticks that are being applied to the so-called welfare to work program.

The other term that warrants a bit of picking over is "fair". That the government, once it had done some market research, had to pulp 60,000 brochures and replace them with brochures that describe these changes as fair, as well as simple, goes to show that the notion of a fair go still has popular currency in this country. The Australian people do care about fairness, otherwise the federal government would not have co-opted that word for its own purposes.

So the abandonment of a way of setting wages that is fair and reasonable is one of the key shifts of the community's approach to caring or not caring for those most vulnerable. The argument that it will be a fair pay commission because it will set wages in order to promote the economic prosperity of the people of Australia overall is an interesting twist on the notion of fair.

One of the problems that we face in dealing with the federal government's newspeak is that we do not contest the definitions and the presumptions that underpin that language. Studies of the language used in war fighting and nuclear weapons speak show perhaps the origin of this language. Words were used that deflected people from the actual damage that, for instance, nuclear weapons were inflicting. So we had terms such as "soft targets" and "collateral damage" used to deflect attention from the fact that these were real human beings that were being killed, frequently most of them civilians. However, the collateral damage and the soft targets here are going to be visible to us all,

because this is the home front and it is very likely that the ACT government and other governments will have to pick up some of the pieces.

The notion of full employment is an interesting one. It is one that is promulgated by the government. We are hearing a lot of talk at the moment about the industrial relations systems of China and the US. However, I do not think that most Australians would like to have our economy run in their way. We have Mr Howard saying that Germany has a stagnant economy. However, he does not say that 15 years ago Germany, one of the most affluent countries in the world, took in the economically bankrupt east and is still sorting out the ramifications of that.

Let us not put down the welfare provisions of the German economy and let us remember that when we talk about industrial change. There are models apart from the US model and there are models apart from the spin-doctoring one of the US government and the corporates that the Howard government is taking its lessons from. The key difference in Australia is that we choose to define the employed as anyone with one hour of work or more a week. In Germany, the employed are defined as those with 15 hours of work or more a week.

One way that the ACT can engage intelligently with the debate and the presumptions that underpin it is to choose the terms of reference: so, let us address underemployment in the ACT and let us get the figures on what is really happening in Australia and not accept the gloss of federal spin.

**MR SESELJA** (Molonglo) (11.30): I will not speak too long on this motion because I think Mr Mulcahy has successfully destroyed much of the tenor of the motion, but I will add a few points. I guess you could classify it as a "we'll all be rooned" motion. It is one of those. It has the tenor that life as we know it will not be the same. I have no doubt that members of the Assembly will be saying today, because I am sure that this motion will be passed, "We'll all be rooned and life will just change irrevocably."

**Ms MacDonald**: Life as you know it will not change because you are not subject to a minimum award.

**MR SESELJA**: Plenty of people are subject to one and plenty of people are pretty happy. I want to go to some of Ms Gallagher's arguments. She said, "We are not here for ourselves. We are here to represent others and to make the lives of others better." I absolutely agree with that, and I am sure that there is no-one in this Assembly who genuinely would not agree with that. I guess I need to ask Ms Gallagher to say which part of a 14 per cent increase in real wages she does not agree with or does not think is making the lives of people better.

Unemployment is at five per cent. That makes life pretty good. It was 11 per cent under Keating. I would have thought life would be better with unemployment at five per cent. If I had been unemployed and I was one of those millions of people who got a job in the last 10 years, I would say life is better. Interest rates were at 18 per cent, but not any more. They are down to around six or seven per cent, which is making life better for the average punter. I would say that that is a pretty good thing. I would say that it is something we can be pretty proud of.

Record periods of economic growth have underpinned all of these good things. I do not think the Labor Party federally seeks anymore to make the argument that things have not improved in the last nine or 10 years of the Howard government. So, in terms of making people's lives better, the record has been good.

All we have heard said today is, "We'll all be rooned." That is exactly what we heard in 1996. Mr Mulcahy referred to the shadow IR spokesman for the federal Labor Party talking about how life as we knew it would come to an end under the 1996 changes. The 1996 changes have underpinned the economic growth, the increase in real wages, and the low interest rates that we have experienced over the last nine years. In fact, they have now been embraced by Katy Gallagher and by Simon Corbell. I heard Katy Gallagher saying yesterday that the system is good—the system that Labor told us just nine years ago would ruin us and that the unions told us just nine years ago would ruin us. That has not happened. So you need to take with a grain of salt the doomsaying of the ACTU and the Labor Party, both federally and in the ACT, and expressed in Ms Porter's motion.

**Ms Gallagher**: Of the church, the Salvation Army, the archbishops, the cardinal. Everyone else is wrong.

**MR SESELJA**: You can selectively quote whomever you like, but the facts speak for themselves. We are seeing a bit of that in Ms Porter's motion.

In terms of the substance of the motion, I found it difficult to understand at first. I note it has been reworded, which has been helpful. The motion talks about spending $100 million of the taxpayers' money. That is another assertion of the ACTU. We have seen no evidence that there is going to be anywhere near that amount of money spent. It is just another one that is being thrown around. It is a nice round figure, $100 million. Wonderful! No-one believes it. You can put whatever you like in a motion. No doubt, this one is going to get up because the government will support it and I am sure that Dr Foskey will support it, but there is no evidence that the amount will be $100 million. It is just being thrown around that the amount will be $100 million.

I want to focus a little on public servants and AWAs. Katy Gallagher speaks against AWAs and the Labor Party's position certainly is against AWAs, and they say that moving people to individual contracts will see their working conditions diminished. One of the main areas in which we have seen AWAs used has been in the federal public service. I was on an AWA when I was in the federal public service. I was on an AWA and my pay went up. I had generous leave provisions.

**Ms Gallagher**: Looked after yourself, did you?

**MR SESELJA**: No, all the people in the federal public service were flocking to them. We are told that they are a terrible thing and we should not have them. You see your wages go up and your conditions maintained, yet the Labor Party rails against them. So the Labor Party would like to see us go back to the pre-AWA days. What we have seen under AWAs, as opposed to awards, is a 100 per cent difference in wages. There has been a 13 per cent increase for AWAs over enterprise agreements.

The position of the federal Labor Party and the ACT Labor Party is that they would like those people whose wages have increased significantly, who have had their conditions maintained, go backwards. They would like to see them go back to how they were under an award or under an enterprise agreement. It is the policy of Ms Gallagher to reduce wages, and this is what we have seen. Certainly, the Keating government did their best to reduce wages. They barely managed to get them to go up in 13 years: 1.2 per cent as opposed to 14 per cent. This is at the heart of the debate. If it is about making people's lives better, let us do that. I think that a 14 per cent real increase in wages, low interest rates and a job, as opposed to no job, is an increase in conditions.

*Members interjecting—*

**MR SESELJA**: Mr Speaker, I am struggling to hear myself think.

**MR SPEAKER**: You should get your colleagues from your own party to stop interjecting as well. Everyone should maintain a bit of order so that Mr Seselja can speak to the motion before the house.

**MR SESELJA**: I would like to quote Paul Keating's vision in 1993.

**Mr Hargreaves**: Your hero.

**MR SESELJA**: He is certainly a Labor Party hero. He said:

> Let me describe the model of industrial relations we are working towards.
>
> It is a model which places primary emphasis on bargaining at the workplace level within a framework of minimum standards provided by arbitral tribunals.
>
> It is a model under which compulsorily arbitrated awards and arbitrated wage increases would be there only as a safety net.

That was Paul Keating endorsing the way that the industrial relations system is going and all we are hearing from federal Labor and from ACT Labor is, "No, we'll all be rooned if this stuff goes through." That is the tenor of this motion and that is where we have come to under Ms Porter.

Mr Speaker, I conclude by saying that the system which we have had in the past nine years, which is now being embraced, as I said, by Ms Gallagher, Simon Corbell and, no doubt, many others in the Labor Party, is a system that has been good. We have seen an improvement in working conditions, we have seen an improvement in real wages and we have seen a reduction in unemployment. We are now making further changes that are likely to increase wages and reduce unemployment, but all we hear from federal Labor and all we hear from state and territory Labor is that we will all be ruined and we will go backwards. The record speaks for itself. The record of scaremongering on the other side also speaks for itself, and it just cannot be believed.

This motion is ridiculous. Labor got it wrong in 1996. They are getting it wrong again. It is time for them to rethink their strategy in this area and actually start being honest about

what these changes will mean and being honest about the kind of workplace relations system we will have as a result of these changes.

**MS PORTER** (Ginninderra) (11.38), in reply: Those opposite call on us to wait and see how the changes will work in practice. I am not sure that they realise what they are suggesting with such a piece of advice. Wait to see if you can negotiate fair and just working conditions from a position that can only be described as highly vulnerable. Wait to see what is lost and then complain afterwards. You have got to be joking! This is a very risky strategy and, I am afraid, after the event is almost always too late. We can all have 20/20 vision after the event. However, it will not serve our community well if we sit here and wait for the tsunami of Howard's reforms to overwhelm us just because it was not entirely clear what would happen once the waves of disaster hit.

Let us have another quote from Senator Fielding's article yesterday. He said:

> The managing partner of a national legal firm has instructed his staff that "you don't say 'Sorry, I can't do it, I'm playing cricket on the weekend.' You don't have a right to any free time." Fancy trying to negotiate a family-friendly agreement with him, even if you are a lawyer?

I was reminded by something Dr Foskey said of Mr Costello's call during the Year of the Volunteer when he said, "If everybody in our community gave up one hour a week to volunteer, then all of the social ills of our country would be solved." That is simplistic nonsense, I must admit. However, Mr Costello had better pray that people will have even an hour.

If we have such a wonderful federal government and we have such wonderful employment figures, as those opposite have been telling us, why are they spending so much money on convincing us that we need change? The sum of $100 million is to be spent on plastering deceptive ads all over our newspapers and our television screens. Innocent workers are being used as cannon fodder by the Howard government.

Despite the spin doctors, the opinion polls still show massive opposition from the unions, which is to be expected, from 80 per cent of the public, from churches, from ACOSS—the list keeps growing. This government stands up for the people of the ACT. When will those opposite ever do that? As I have said, under the federal constitution, the commonwealth has the power to legislate for both the ACT and the NT in any matter using its territories power. If ACT legislation is inconsistent with commonwealth legislation, the commonwealth legislation prevails.

The commonwealth government has already announced that it will use its territories power to impose this legislation on the ACT. Very little consultation has been entered into between the ACT and the commonwealth and it is almost certain that the ACT will not see the legislation before it is introduced, even if members opposite have. They say, "Just wait and see." I am afraid that that will be too late. As I have said, the ACT will be used as a guinea pig for these changes, even if the states decide to begin a High Court challenge against the government.

We know those opposite are not game to disagree with their political masters. I ask of you again: do not let yourselves be slaves to those who would return us to the poor laws

and workhouses. Make a stand for the Canberra community. The Stanhope government stands firm for what is fair and just.

Motion agreed to.

## Environment Protection (Fire Hazard Reduction) Amendment Bill 2005

Debate resumed from 29 June 2005, on motion by **Mrs Dunne**:

> That this bill be agreed to in principle.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.43): The government does not support Mrs Dunne's proposed amendments to the Environment Protection Act 1997. The proposed amendments and Mrs Dunne's explanatory statement indicate a lack of understanding of the current circumstances of environmental authorisations for hazard reduction burning. In essence, the proposed amendments address problems that no longer exist.

In the past, approvals were granted to conduct hazard reduction burns for very specific areas and for specific times. These approvals had conditions that considerably restricted hazard reduction burns. Approval of specific burning operations was cumbersome and restricted operational practices. If these circumstances persisted today, Mrs Dunne's amendments might have some logic.

With the introduction of the Environment Protection Act 1997, hazard reduction burn approvals were simplified, and by the year 2000 major ACT government land managers had ongoing approvals that allowed hazard reduction burns, without the need for individual burns to be individually approved by the EPA. The approvals, in the form of environmental authorisations, had conditional guidelines, such as smoke management guidelines for prescribed burning that restricted or prevented burns under a range of conditions. This included conditions under which there would be a major smoke impact on the community or when atmospheric conditions were such that fire behaviour would make burning off unsafe.

Following the January 2003 bushfires, the guidelines, together with so many of our then standard operating procedures, were reviewed and amended. These amendments were made in consultation with ACT Health and the land managers, including ACT Forests, Parks and Conservation and Canberra Urban Parks and Places, to achieve maximum operational freedom for land managers in hazard reduction burning.

Indeed, as members know, the whole of the ACT's bushfire prevention strategy and capability has been upgraded and improved since 2003. New legislation provided for the Emergency Services Authority to prepare a strategic bushfire management plan for the ACT. The strategic plan calls for land managers to prepare operational plans describing how the strategic plan will be implemented. The operational plan, once approved by the Emergency Services Authority, sets in train a very broad suite of bushfire prevention measures, including mowing and slashing of grass, physical removal of woody fuels, fire

trail improvements, equipment upgrades, training and, of course, hazard reduction burning.

The smoke management guidelines for prescribed burning were amended to allow ACT government land managers to undertake hazard reduction burns and consult with the Environment Protection Authority only when a major smoke impact on the community is expected. In considering this impact, the Environment Protection Authority is required to have regard to the requirements set out in section 3 of the act, which include protecting the environment and preventing adverse risks to human health.

The land manager prepares a burn plan, which must be approved by the Emergency Services Authority. The authority assesses the plan to ensure that, under the conditions of temperature, wind and fuel moisture levels proposed for the burn, there is minimum risk of the fire getting out of control. On the day, given that the Emergency Services Authority's conditions are satisfied, the land manager must also follow the smoke guidelines approved by the Environment Protection Authority. By complying with the conditions set by the Emergency Services Authority and adhering to the smoke management guidelines, the land manager can be confident that the burn will be safe and will have minimum impact on human health. We have placed the decision-making power in the hands of those most appropriate to make the decision in the circumstances.

Mrs Dunne's proposals do not encompass what we have already achieved. Indeed, they risk a backward step in that those responsible for managing the land and the fire risk associated with it would be required to make decisions about the impact of smoke on public health and safety. Mrs Dunne would have the wrong people making the decisions. We have the right people making the decisions. The land managers make decisions within parameters set by the Environment Protection Authority and agreed to by ACT Health, to ensure public health issues are integrated with safety considerations. Furthermore, it is critical that the Emergency Services Authority has final say on the risk of the hazard burn getting out of control.

This proposed amendment to our environment protection legislation would undo years of good work and cooperation between land managers, the Emergency Services Authority and the Environment Protection Authority. Far from reducing the risk of bushfires to the Canberra community, Mrs Dunne's proposed amendments have the potential to increase the risk. The government cannot support Mrs Dunne's bill.

**DR FOSKEY** (Molonglo) (11.49): I do not support this bill either. The Environment Protection Act already allows ample opportunity for authorities to burn off. The act as it stands includes restrictions to protect residents of the ACT from respiratory illnesses, for good reason, and these are what Mrs Dunne wishes to weaken with this bill.

First, I oppose this bill due to its smoke pollution consequences, and, second, I oppose the assumption behind it, which is that hazard reduction burning is a priority over other means of fuel reduction strategies.

The objects of the Environment Protection Act clearly state the importance of reducing pollution, maintaining environmental quality and preventing adverse risks to human health. Unfortunately, state of the environment reports repeatedly show concerning levels of airborne particulates in Canberra. This bill writes off smoke pollution merely as

an inconvenience and belittles the real health hazards involved. The current and previous governments have done significant work over recent years to reduce the amount of smoke pollution in Canberra. Canberra, along with Armidale and Launceston, is one of the cities in Australia especially noted for its high pollution levels of wood smoke particulates. The health risks from this type of pollution are very real. It is also widely understood that the geography of Canberra, an inland city with no sea breezes and many picturesque valleys, is particularly susceptible to build-up of smoke particulate pollution.

This is one of the reasons the ACT government has campaigned in various ways over the past five years to encourage people to convert their domestic wood heaters to more environmentally-friendly heating. The government has also shown its commitment to this reduction in smoke pollution by offering rebates to people making this eco-friendly conversion. There are also moves to increase smoke-free areas inside buildings to avoid the known health risks associated with smoke.

Mrs Dunne cites smoke pollution and smoke drift as an inconvenience, an annoyance that might bother people putting washing on their line. This completely belittles Canberra residents' right to clean air—something that the Greens continue to work on at a local as well as a national and global level. But it is not only the Greens who are concerned about this; organisations like the ACT branch of the AMA and the Australian Lung Foundation have campaigned for cleaner air in Canberra.

According to Dr James Markos, a respiratory physician and a chairman of the Australian Lung Foundation:

> Particle pollution from all sources, and especially from wood smoke, is harmful to our lungs. Wood smoke contains fine particles which are breathed into the lungs. They irritate the bronchial tubes and affect those with pre-existing lung disease, especially asthma, chronic bronchitis and emphysema.
>
> There are also increasing concerns about the long term effects of inhaling wood smoke which are relevant to all persons exposed to environmental wood smoke. The harmful effects of wood smoke appear similar to those of environmental tobacco smoke (ETS). We know there is no safe level of exposure to this. Individuals can choose not to smoke and can usually avoid ETS. However, a resident of a valley filled with wood smoke cannot easily avoid breathing in the polluted air.
>
> Wood smoke also arises in our communities from industrial wood-fired boilers, back-yard burn-offs, rural vegetation burn-offs, planned forestry burn-offs and unplanned forest fires.

Studies from many regions around the globe have identified short-term increases in death rates and hospital admissions related to increased concentrations of wood smoke in the air. According to a Canberra paediatrician, Dr Michael Rosier, asthma affects 25 per cent of children and smoke is one of the main allergens. Studies indicate that children with the highest exposure to wood smoke had a significant decrease in lung function, especially for children aged eight to 11. This is also a serious problem for older people, who are more likely to suffer from cardio and respiratory problems.

Canberra has a high rate of incidences of particle pollution exceeding the national environment protection measure, which is really something that should not be occurring

in the so-called bush capital of Australia. All levels of government have undertaken measures to try to reduce the ambient particle levels in Australia. These measures include encouraging better coordination between responsible authorities to limit air pollution from essential hazard reduction burns. It is not the time to turn this around.

Secondly, the Greens question the approach to fire management that Mrs Dunne's legislation entrenches. Most of the fire management work by government authorities is focused on fuel reduction. However, fire experts agree that there are three preconditions involved in starting fire: the trigger for ignition, fuel loads, and fire weather conditions, composed of wind, humidity and temperature. It is interesting to note that the fires of January 2003 crossed the Murrumbidgee River in areas where there was almost nothing to burn. The soil and the air itself provided the fuel load in this situation, and that is because the other preconditions for wildfire were there.

Hazard reduction work may assist in preventing catastrophic bushfires, but burning is only one of the ways of reducing hazards. According to the strategic bushfire management plan for the ACT—this is from the draft, because the final is not yet available—bushfire fuel hazard may be reduced, removed or converted to a less flammable vegetation type.

Fire management research has found that fuel reduction burning far away has little impact on residential areas. In fact, keeping the land within one kilometre of residential areas low in fuel is far more important, and the closest 300 metres even more so. This area is most likely best managed by local residents, including park care groups, in conjunction with ACT Parks and Conservation. Fuel reduction burns may be just one of their management regimes and often can be avoided altogether. This is indicated by studies brought into light through Michael Organ's dissenting report to the House of Representatives select committee into the recent Australian bushfires of 2003. A study of prescribed burns in the Blue Mountains from 1993 to 1997 showed that hazard reduction burns are of limited effectiveness. Hazard reduction other than by fire, for example by slashing, mowing and thinning of vegetation, near the assets being protected—and this is something that has to be done as a consistent and regular regime—will provide better protection for those assets than will burning in remote areas. Chris Cunningham, a professor from the University of New England, submitted to the House of Representatives committee:

> Hazard reduction burning is far from a precise science. It is rare for a fire to exactly match a desired prescription. Too little intensity and virtually no fuel will be removed, too much intensity and the scorched canopy will soon rain down litter to replace the fuel removed. If the vegetation is moist and green all that may be achieved is a partial desiccation and an increase in available fuel in subsequent wildfires.

Where I come from, the forested mountains of far east Gippsland, many wildfires had their origins in burn-offs gone wrong. This is also true on the South Coast and elsewhere. I think we should avoid that in the ACT.

The Greens believe that biodiversity is an asset, ecological values are important in the ACT and complex land management and fire suppression techniques allow these values to be protected while simultaneously protecting public and private property.

The Australian Council of the International Union for the Conservation of Nature, noted in its resolution on the impacts of human-induced fire events on biodiversity conservation "that in some protected and non-protected areas the current management focus on the use of planned fire events for fuel reduction is giving rise to an increasing reliance on fire-based techniques at the expense of more ecologically and economically sustainable non-fire-based risk reduction strategies" and "that all human-induced fire management strategies should place emphasis on ecological sustainability when implementing strategies to reduce risks for life and property".

The last issue I have is that the link between our severe weather conditions in recent years and climate change has been confidently asserted. Given that the hot weather has been a substantial contributing factor to bushfires, we really must take our greenhouse emissions seriously. More burning only increases greenhouse emissions, contributes to global warming and must be addressed by the ACT government as a matter of urgency.

Although I understand and empathise with the motivation behind the bill, which is to protect people and property from the ravages of bushfire, I believe that fuel reduction burning at an increased rate, at the expense of people's long-term health and for uncertain outcomes, is not the way forward.

**MR GENTLEMAN** (Brindabella) (12.00): The minister has already advised that the government will not be supporting Mrs Dunne's amending legislation. Bushfire management in the ACT is underpinned and guided by the ACT strategic bushfire management plan. The strategic plan is prepared by the Emergency Services Authority and was tabled in the Assembly in January this year. Managers of unleased territory land are required to prepare a bushfire operational plan to implement the strategies set out in the strategic plan. An operational plan covers operational works to achieve bushfire prevention, including bushfire hazard reduction through to controlled burning. The bushfire operational plan is approved by the Emergency Services Authority.

This year, on non-urban land managed by government agencies, 19 burns were specified in operational plans. Of these, 18 were completed and several additional burns were undertaken. In other words, the land managers were able to achieve more fuel reduction burns than had initially been planned. The one burn not undertaken was on Lyneham Ridge, where the very dry conditions related to the drought meant burning posed the risk of unacceptable damage to the young eucalypt trees in this area. This burn is expected to be completed over the next months so that we achieve our fuel reduction and protect our environment.

Planning and conducting controlled burns requires attention to many factors to ensure the right amount of fuel is burnt in the right location without adversely affecting the health or safety of the community with smoke pollution. Land managers are fortunate to have available to them a set of smoke management guidelines for controlled burns, which give clear direction and certainty for their decision making in guarding the health and safety of the community.

Of the 19 burns undertaken this year, just one has been postponed. It was satisfactorily completed a week later, when atmospheric conditions had improved. The current processes for undertaking hazard reduction burns are working well. Compare the

efficient process we now have with what is proposed in the amendments by Mrs Dunne. Mrs Dunne's proposal is characterised by no consultation with responsible land managers, no guidance for land managers for when they should defer burns because of the risk posed to the public, and no overt role for the ESA.

I was hoping to have Mr Smyth in the chamber for this part of my speech. I understand Mrs Dunne's interest in back-burning after the back-burn that has occurred in the opposition party room recently. It appears the opposition leader has seen the fire coming and has used his expertise gained at Guises Creek to cut down the fuel load burning up behind Mr Mulcahy. Well, keep it up, Mr Smyth; I am much happier with you in the role than Mr Mulcahy. I am comfortable with Mr Smyth in the job. I was pleased with the result last year—pleased at being elected to Mr Smyth's electorate with a larger vote than Mr Pratt, and pleased to see Labor, under the Jon Stanhope government, gain a majority vote for the first time in the ACT. Keep it up, Mr Smyth. We on this side are very happy with your work.

There is no need for this amending legislation, because it does not improve on the current process put in place some time ago by this government.

**MRS DUNNE** (Ginninderra) (12.03), in reply: It is with disappointment that I rise, because the minister and his companion have shown a sorry misunderstanding and a lack of understanding of the purposes of the bill. It means that they just do not get it and they probably did not read it.

I am not surprised at the treatise given by Dr Foskey about the evils of hazard reduction burning. It was pretty standard fare from Ms Tucker when she was a member of this place and it is pretty standard fare from the Greens. From time to time they do actually say they are in favour of hazard reduction burning, but only in perfect circumstances, which is always the case with the Greens. The Greens are often in favour of things, but they always set so many caveats that the perfect circumstance under which they would allow things to be done can never be found. It was the same with urban infill; the Greens in this place were always in favour of urban infill, not just the current proposal. The Greens say they are in favour of hazard reduction burns, but they can never find an appropriate circumstance.

It was interesting to hear Dr Foskey's treatise on smoke pollution. You do not get an argument from me about smoke pollution. But this is not about smoke pollution. The single biggest contributor to smoke pollution in Canberra is open fires or wood-burning heaters in our homes. There are arguments for them and there are considerable arguments against them. There are considerable arguments against them, especially for the people in Tuggeranong, who seem to suffer more from inversions than those elsewhere. But Dr Foskey cast so wide and talked about the evil impacts of backyard burn-offs, which have been illegal in the ACT since the mid-eighties, I think, and definitely since the introduction of the Environment Protection Bill in 1997. She also talked about wood-fired industrial furnaces, which I understand are non-existent in the ACT, but I might stand corrected on that, and about greenhouse emissions.

Let us just talk about the greenhouse emissions that we experienced in the ACT during the bushfire emergency in 2003. We had more greenhouse emissions in those couple of days than you would have from every other source combined in the ACT in the course of

two years; we got it all out of the way in two days. What this bill does is very simple and straightforward. Mr Hargreaves gave a wonderful exposition about all the issues and procedures involved in bushfire fuel management, like clearing and raking and cutting grass—all of those things which are done increasingly well by authorities in the ACT. That shows that we have learnt some lessons from 2003, and it is sad that we had to have such a horrendous occurrence for us to learn those lessons, which many hardened bushfire fighters and others have been talking about for a long time.

Putting that aside, land managers are doing an improved job. We had visitors at home the other day, and they were complimenting us on the improved aspect around our home as a result of that hazard reduction. Urban services have done such a good job of taking out dead wood, taking out stuff lying on the ground, raking and cutting the grass—all of those things. But there are places where those things are not adequate. Mr Hargreaves has acknowledged that. Hazard reduction burning is not the only weapon in the armament, but hazard reduction burning is an important part of it. There are places where it is entirely appropriate and others where it is entirely inappropriate. This bill makes that simpler.

Mr Hargreaves made reference to the smoke management guidelines. Those smoke management guidelines require reference back to somebody who is not on the ground. My proposed legislation would mean that, on the day of the projected burn, the final decision would lie with the manager on the ground, the person who says, "Okay, boys, we go ahead." It should not have to be referred back. The inconvenience of smoke on that day is a small price to pay for not having the inconvenience of having our suburbs burn down next year or the year after. Although this government has made significant progress in improving hazard reduction in many areas, it is a great disappointment that this simple change, which was asked for by volunteers and people on the ground who are land managers and who would like to have this extra flexibility, a small piece of flexibility, has been denied.

It is not surprising that the Greens would find any opportunity to give themselves a platform to speak about the evils of hazard reduction, and not to concentrate on the small aspect of improving people's life, which this bill does. But it is a huge disappointment that the minister for emergency services does not see the benefit of the bill.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the negative.

## Industrial relations

**MS MacDONALD** (Brindabella) (12.14): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the federal Government's recently announced "WorkChoices" industrial relations reforms will have a negative impact on the ACT community, in particular on:
>
> (i) minimum wage earners;
>
> (ii) women;
>
> (iii) casual workers; and
>
> (iv) young people;
>
> (b) much of these effects will be caused by the Government's ideological driven attempts to have all workers sign secret, individual, Australian Workplace Agreements;
>
> (c) these agreements will no longer be subject to a "no disadvantage" test;
>
> (d) these agreements are already a precursor to beginning employment at a number of Commonwealth agencies; and
>
> (e) church and community groups have spoken out against these changes; and
>
> (2) consistent with comments from church and community groups, calls on the federal Government to guarantee that no Australian worker will be worse off as a result of these changes.

I raise this motion today to bring to the attention of the Assembly the draconian industrial relations laws that the federal government is proposing to impose on the ACT. We have heard quite extensively from Mr Mulcahy and we have also today heard from Mr Seselja. Hopefully, we will hear from the Leader of the Opposition with his views on these issues. I look forward to hearing what he has to say.

These laws will have a negative impact on the ACT community as a whole, but I am particularly concerned about the minimum wage earners—women, casual workers and young people. I had the great privilege of representing many of these for five years when I worked for the Australian Services Union as the local organiser, a role that I am particularly proud of. These negative effects will largely be caused by the government's ideologically driven attempts to force all workers on to Australian workplace agreements. Recognising these concerns, church and community groups have already spoken out against these changes.

The minimum wage is currently set by the independent Australian Industrial Relations Commission, as you would know, Mr Speaker. Submissions are made to the commission by stakeholders, including unions, employer groups and governments, on what level the wage should be set at. The commission bases its assessment on the test of a "living wage"—that is, what a person on the minimum wage would need to live. This test has been used in Australia for nearly 100 years, based on the High Court's decision in the Harvester case, yet the federal government now wants to change this well-performing system. It is a proven system.

These reforms are sparked in part because in the past the federal government's submissions have been repeatedly ignored by the commission. If the Australian Industrial Relations Commission had followed John Howard's desires, the minimum wage today would be $50 less than it is. However, the federal government has now obviously decided that its past submissions were too generous, as the federal Minister for Employment and Workplace Relations recently suggested that the wage should be set at $70 less per week.

There is no doubting what is driving these reforms: a lower minimum wage. To this end, the government plans to create a new fair pay commission to set the minimum wage based on, in the words of the commission's new chairman, "what will maximise economic prosperity for Australia". This will replace the living wage test Australia has used for 100 years. I repeat those words: "what will maximise economic prosperity for Australia". That is the prosperity of the entire country—fair enough—but what about the individual? What about whether or not people are able to afford to send their children on that extra excursion? What about whether or not they are able to get that little bit ahead? It is not easy, as Ms Gallagher has already said today, to live on the minimum wage.

This new commission will not sit until spring 2006, which means that the minimum wage will be frozen for 18 months. As Adele Horin suggested in the *Sydney Morning Herald* recently, there is a real chance that these changes will result in a "working poor". Ms Horin rightly points out that we should be celebrating that we enjoy one of the highest minimums of the OECD countries. Our egalitarian spirit has ensured that all members of the work force receive a fair day's wage for a fair day's work. Instead, the federal government is seeking to slash this wage. In my opinion, this federal government is trying to do away with the long-held Australian concept of "a fair go".

Some economists argue that lower wages will lead to more jobs. However, a recent study by James Galbraith, a US economist, has found that European countries with similarly egalitarian traditions, such as Norway and Denmark, also enjoy low unemployment. Similarly, an American study by David Card and Alan Krueger found no evidence that reducing minimum wages increased employment. These are ill-conceived policies, which will undoubtedly lead to a race to the bottom for workers' pay and basic conditions.

One of the other mechanisms the government will use to reduce the minimum wage is to force more workers on to individual secret Australian workplace agreements. Despite the government's spruiking the benefits of these contracts and the fact that many Commonwealth departments have forced new employees on to them, they represent only some 2.5 per cent of agreements. Currently, the Australian Industrial Relations Commission makes awards that cover certain specified classes of employees. The

conditions in these awards make provision for 20 allowable matters, which include penalty rates, annual leave loading and sick leave. If someone covered by such an award signs an individual agreement, that agreement is subject to a "no disadvantage" test, so the worker cannot be worse off as a result of moving to the agreement. Effectively, if the worker gives up penalty rates for working on a weekend, they must be compensated in some other way.

However, under these reforms, the no disadvantage test will be removed. While awards will remain, it is effectively only the five legislative minimums—that is, minimum hourly rate of pay, which is currently $12.75; sick leave; four weeks annual leave, two weeks of which could be "cashed out"; unpaid parental leave; and the 38-hour week—that will be protected. As well as the minimum wage being reduced, low-income earners are also likely to suffer most under the changes to the no disadvantage test. There is no doubt their take-home pay will be substantially cut. The government's own WorkChoices propaganda includes an example of an unemployed Canberran, Billy, who gives up in the vicinity of 40 per cent in additional pay, including penalty rates, just to get a job.

Recognising the effect these changes will have on the most disadvantaged, church and community leaders have spoken out against them. In particular, leaders from the Catholic, Anglican and Uniting churches have questioned the impact the changes will have on Australian society. One of the most surprising critics, to me at least, given his tacit support for the conservatives in the last election, has been Cardinal George Pell. Cardinal Pell is normally a confidant of the Howard government, but he has concerns that these changes will result in a decline to the minimum wage. Local Catholic bishop Pat Power has joined Cardinal Pell in questioning the reforms. He rightly asks whether the new laws target the most vulnerable people in our society. And there has been cross-denominational support in rejecting these changes. Peter Jensen, Anglican Archbishop of Sydney, has raised concerns about the ability of workers to share time for children, families and relationships once the changes are adopted. I cannot help but agree with the Archbishop when he says, "Life is about shared relationships, not the economy."

The Uniting Church has also joined in the procession of church leaders opposing these reforms. President Dean Drayton has suggested that the package is more about choices for business than about protecting workers. He said of the changes, "Workers are not commodities in the service of greater profits—they are people trying to make a decent life for themselves and their families." Similarly, the Brotherhood of St Laurence executive director, Tony Nicholson, suggested when launching Anti-Poverty Week earlier this week that up to 1.5 million Australians already living under the poverty line risk being left behind by the federal government's industrial relations reforms. Already, he suggests, far too many have been left behind by the modern economy despite the unprecedented prosperity many others have enjoyed.

Only yesterday, the Salvation Army rightly pointed out that the reform's exploitation of the disadvantaged means these changes can only be described as unethical. Salvos spokesman Mr Dalziel suggested that "people such as the homeless, those who have suffered abuse and young people with a poor education would not be able to bargain for decent wages and conditions".

However, the strongest attack of all on this has come from the highly-respected Australian Catholic Commission for Employment Relations. The ACCER is an agency of the Australian Catholic Bishops Conference and has examined the proposed changes within the context of the body of Catholic social teaching and the church's collective and diverse experience as an employer. As the minister for workplace relations, Kevin Andrews, is a prominent Catholic—as are Mr Mulcahy, Mr Seselja and Mr Smyth—I would expect him to pay particular attention to these comments.

The ACCER has released several media releases on this issue, as well as meeting with the minister. This meeting was followed by a letter and the release of a briefing paper on the reforms. Virtually all these publications have been critical of these changes. For example, in a letter to the minister the organisation's executive officer, John Ryan, suggests:

> A fundamental principle of Catholic Social Teaching is that work affirms, enhances and expresses the dignity of those who undertake it. The Church's teaching on work does not permit the worker to be treated as a commodity in the marketplace. A worker should be able to establish and properly maintain a family and to provide for its future security.

In his letter, Mr Ryan questions the minister on his reasons for pushing through many of these changes, particularly why the government is taking minimum wage setting away from the Australian Industrial Relations Commission; what empirical evidence the government has to support the need to exempt workers from unfair dismissal laws; and what savings provisions will be available for award employees in the situation where the current award standard is greater than the proposed legislative standards.

The ACCER's briefing papers go into even greater detail, systematically examining the government's proposed changes and applying laudable Catholic teachings such as social justice, the nature and dignity of humanity and work. I would encourage all members of the Assembly, particularly those opposite, to read this paper. Obviously, everybody in this place knows that I am not a Catholic but that I am married to a Catholic. I was just sitting here earlier and thinking about that great encyclical *Rerum novarum*, which my other half is continuously harping on to me about. It would be good for Mr Mulcahy, Mrs Dunne and Mr Seselja to go and have a read of *Rerum novarum*.

**Mr Mulcahy**: I carry it in my briefcase.

**MS MacDONALD**: That is good. ACCER is reserving its final decision on the changes until after they have been tabled as legislation in the federal parliament. However, you cannot help but think that ACCER will have no choice but to ultimately condemn these changes. This is an unprecedented level of opposition. Here we have religious and community groups of virtually all persuasions speaking out against these reforms. Even those leaders close to Minister Andrews and the Prime Minister are opposed to the reforms.

These calls for the government to rethink its proposals are clearly having an effect. A recent Morgan poll found that only 10 per cent of Australians believe they and their families will be better off under the proposed industrial relations reforms. Nearly half of

those surveyed disagreed with the proposed reforms and only 17 per cent agreed. Gary Morgan has said of the poll:

> Despite the mass of publicity, debate and advertising by the Federal Government and the Unions, the opinions of Australians have barely changed since the last Morgan Poll on the Industrial Relations reforms in July of this year. In fact, a slightly higher proportion of Australians now disagree with the Industrial Relations reforms … than disagreed in July ... The percentage of Australians who agree with the reforms (17%) remains unchanged ...

Clearly, the federal government is losing this debate. Despite the government having poured millions into advertising campaigns and glossy brochures, the community is seeing through the spin because community groups and religious groups are joining together to bring the negative impacts of these changes to the attention of the community.

In conclusion, consistent with the calls of the community and church groups, I call on the federal government to guarantee that no Australian worker will be worse off as a result of these changes. However, given the impact these changes will have on minimum wage earners with the scrapping of the no disadvantage test, this is a guarantee that the federal government will not be able to give. I urge all members in this place to support this motion, as our constituents deserve the right to receive a fair day's wage for a fair day's work, and without the threat of being dismissed for spurious reasons.

This motion goes well and truly to the heart of that great Australian concept of a fair go for all, and I commend the motion to the Assembly.

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

**Sitting suspended from 12.28 to 2.30 pm**

## Visitors

**MR SPEAKER**: I acknowledge the presence in the gallery of a group of public education teachers as part of a professional development training exercise entitled Celebrating Democracy Week.

## Questions without notice

### Mental health

**MR SMYTH**: My question is to the Minister for Health. Minister, the 2004-05 ACT mental health official visitors annual report makes sobering reading. In it the Official Visitor notes: a lack of beds at the Psychiatric Services Unit at the Canberra Hospital; a lack of beds at Ward 2N at Calvary Hospital; a shortage of nurses and psychiatric specialists; pressure on beds leading to adverse consequences for patients, such as premature discharge and transfer between wards at inappropriate times; and violence and aggression towards staff. Minister, why have you allowed the mental health service in the ACT to fall into such disarray?

**MR CORBELL**: If that was the only thing the Official Visitor was saying, then I would share Mr Smyth's concerns. Unfortunately Mr Smyth does not mention the other things that the Official Visitor has been saying to me, both in her formal reports and in meetings that I have had regularly with her throughout the year. I should stress to members that I take the role of the Official Visitor very seriously. Indeed, the outgoing Official Visitor, Joan Lipscombe, and I have had an ongoing dialogue about issues raised by her and her fellow official visitors throughout the year.

What Joan Lipscombe and her other official visitors are saying to me is that they are seeing cultural change within Mental Health ACT. When it comes to issues around the care and protection of people with a mental illness, they are seeing a greater willingness on the part of staff to engage with clients and consumers, their carers and families, whether they are in the custody of the psychiatric services unit or whether they are being cared for in their own homes in their own neighbourhoods.

The Official Visitor does recognise that there are pressures in the system. She is drawing those to my attention. Those are not pressures that in any way I resile from or deny exist. These are real and serious problems for mental health services in the ACT. But the government's approach has been, first of all, to acknowledge that these are not issues that have arisen overnight. They are not some magical conjunction that has come about simply because I am the minister or Labor is in government. These are historical issues that the territory has grappled with for a significant period of time.

The government recognises these issues and is tackling them. Indeed, since 2000-01, mental health funding in the ACT has risen by 75 per cent. That is a significant increase in funding. On top of that, the Official Visitor herself has acknowledged the preparedness of mental health staff to work proactively with clients and consumers. She has commended the government on the steps we have taken to address the appalling safety and security problems at the existing psychiatric services unit, a facility built and planned during previous governments, including the previous Liberal government. The facility is less than 10 years old but it has had to be significantly upgraded to address these issues.

The Official Visitor has commended the government on its work on these issues. It is all very well to find the adverse and the negative comments. It is another challenge of integrity altogether to put those comments in context. It is something that Mr Smyth does not do when it comes to these sorts of issues. We recognise the challenges in the mental health sector. We are investing further in mental health services. We are working with clients and consumers to address these issues.

That has been acknowledged most recently to date in reports of the Mental Health Council of Australia, the Brain and Mind Research Institute of Australia and the Australian Human Rights and Equal Opportunity Commission. They recognise that the government is accepting of the challenges that we have in our mental health system, is not defensive about them and is making rapid improvements. That will continue to be our approach as we continue to improve mental health services for people in the ACT.

**MR SMYTH**: I ask a supplementary question. Minister, what steps are you taking to deal with the increases in violence and aggression towards staff?

**MR CORBELL**: I thank Mr Smyth for the question. Regrettably, violence and aggression towards staff are not confined to the mental health area of ACT Health. We are seeing increased instances of violence and aggression towards staff in hospitals generally. That is a matter of serious concern to me as minister, and certainly to the managers and people with direct employment responsibility in ACT Health.

It is a fundamental occupational health and safety issue. For that reason we are increasing the level of support to health care staff to assist them to manage violent or aggressive patients. We are also taking steps, through the development of a new violence policy that I have recently approved, which outlines an incremental series of steps to respond to violence and aggression in a care setting. It provides staff with a clear protocol of responses, which can ultimately lead to particular sanctions to deter and prevent violence and aggression. If that is not possible, if that does not succeed, the protocol is designed to effectively ensure that that person no longer presents a threat to staff in a health care environment.

We take these issues very seriously. We have new policies in place. We have additional funding in place to provide additional security to staff. We continue to monitor the situation very closely.

## Mental health

**MR GENTLEMAN**: My question is directed to the Minister for Health. Minister, you just touched on *Not for Service: Experiences of Injustice and Despair in Mental Health Care in Australia*, the report released today of the consultations by the Mental Health Council of Australia and the Brain and Mind Research Institute, in association with the Human Rights and Equal Opportunity Commission. Would you advise the Assembly how the ACT fares in this report.

**MR CORBELL**: This is a major report by the three bodies that Mr Gentleman mentions: the Mental Health Council of Australia, the Brain and Mind Research Institute and HREOC, the commonwealth Human Rights and Equal Opportunity Commission. This report is different from many other HREOC reports, in that it relies on anecdotal feedback as a way of sending the message that we continue to need to address issues surrounding the care and treatment of people in Australia with a mental illness. It reviewed consumer and carer experiences of care against the national standards for mental health services. Its goal was to capture the current critical themes in mental health care.

In terms of how the ACT fared, I am really pleased that the report, whilst certainly highlighting continuing concerns and criticisms of care in the ACT—no different from those criticisms in many other parts of the country; indeed, in all parts of the country—acknowledged the ACT government's commitment to improve mental health services. For the information of members, I highlight some of those issues. For example, it states that:

> Over the past three years, the ACT Government has committed substantial energy to devising a new framework within which to improve the mental health and wellbeing for those living in the ACT.

It also recognises that:

> … the Health Action Plan 2002 prioritised mental health as a strategic area of focus and recognised the health inequalities (both in terms of health status and access to services) experienced by people with a mental illness.

The report goes on to say that:

> The most positive development in the ACT is the willingness of the Government to recognise the inadequacies of the current system. Generally, the Government has been non-defensive and willing to work with other national developments.

I welcome that acknowledgment by the Mental Health Council of Australia and its partners in this report. It is saying that the government is not trying to hide and not walking away from its responsibilities when it comes to improving mental health services here in the ACT. Indeed, the report states that we are non-defensive, that we are willing to work with others and that we are tackling the inadequacies that exist historically in our system.

In addition, the report stated that the government has acted quickly to implement all 58 recommendations of the Patterson report and commit to capital works to address the problems at our psychiatric services unit. It also went on to say—this will be of particular interest to Mr Stefaniak—that another notable development of the ACT government has been the enactment of Australia's first bill of rights under the Human Rights Act in 2004. The Mental Health Council of Australia—

*Opposition members interjecting—*

**MR SPEAKER**: Order! Members of the opposition.

**MR CORBELL**: I know they do not like it. The Mental Health Council of Australia, the Human Rights and Equal Opportunity Commission of Australia, and the Brain and Mind Research Institute all commend this government for establishing that act. They say explicitly that such an act will lead to better care and better protection of rights for those people here in the ACT with a mental illness. It is very strong commendation from those independent bodies. Finally, it is worth highlighting that the report finishes by saying that:

> The most important aspect of recent developments in the ACT has been the clear commitment of the Government to rapid improvement in mental health services.

I am very pleased to have seen those comments made in the report. It is a balanced response. It recognises that there are serious problems in our mental health services, there are gaps in services, and there is a need to continue to improve care. But the report acknowledges the government's commitment, willingness and openness to do that. More importantly, it recognises that we approach this in a comprehensive way that recognises human rights as an important part of managing and caring for those in our community with mental illness. We, as a government, are commended for that. We are commended for the ongoing investment we are making.

**MR GENTLEMAN**: Mr Speaker, I have a supplementary question. Can the Minister advise the Assembly what other initiatives the government is taking to address the key issues identified in this report?

**MR CORBELL**: Since gaining office, the government has—as I indicated in my previous answer to Mr Smyth—significantly increased funding for mental health services here in the ACT. Spending on mental health services has increased by 75 per cent since 2001, from $75 per head of population to $131 per head of population in the most recent year—a 75 per cent increase in funding for mental health services.

In addition, we are progressing in our proactive approach to future mental health needs. This includes the identification of service needs over the next 10 years. That work is now under way. This includes specialist bed-based services and community mental health care, as well as improved non-clinical care arrangements and support for people in the community. Through our planning work we are already identifying what needs to be provided for in terms of a new mental health precinct at the Canberra Hospital. Planning is under way to prepare the ground for government consideration of a new 30-bed facility, a 15-bed high-security unit and a 20-bed children and young people mental health unit.

We also continue to fund a number of mental health rehabilitation programs through community agencies. We are continuing to address issues around work force shortage. We have to tackle those issues in a national and international context.

It is also worth highlighting that three-quarters of all mental health funding in the ACT goes to the community or to the outreach and community support area. Unlike other states that are criticised for spending all their dollars in the acute care, clinical care areas, three-quarters of the funding that we provide goes into outreach, prevention and support in the community. Again, that is consistent with the sorts of approaches that the Mental Health Council of Australia is urging governments to adopt. Ours is 75 per cent; the national average is 51 per cent. You can see that we are well ahead in providing care and support in the community and outreach sector for community-based services.

We are continuing to address the issues of housing and supportive housing for people with mental illness. That has recently been progressed with a memorandum of understanding with ACT Housing.

Finally, it is worth highlighting that we have done work in improving liaison with the Divisions of General Practice. We are making sure that GPs are playing more of a role in identifying early the symptoms of mental illness, and providing care and support at that primary care level. This is so important in terms of preventing the downward spiral that is all too often the case with people ending up in acute care facilities for more serious mental illness.

We have also done the work in addressing the concerns raised by the courts about sentencing and detention options for people who need forensic mental care, so that they are not kept in places such as the BRC—the Belconnen Remand Centre—or sent to jail. Instead, we are planning and working to provide for forensic care services, which will prevent the sorts of problems we have seen in the past.

Notwithstanding these initiatives, we acknowledge that more work needs to be done. We are committed to doing that work. Our record speaks for itself. We will continue to work with consumers and carers in addressing these very important health care issues.

## Land valuations

**MR MULCAHY**: Mr Speaker, my question is to the Treasurer. The New South Wales ombudsman recently reported that some 35 per cent of land valuations were subsequently found to be incorrect, mainly due to flaws in the mass valuation system. Since the mass valuation system is also used in the ACT, what is the error rate in the ACT?

**MR QUINLAN**: Simply put, that rate has not been measured. I will just comment on the way this matter has been handled so far. Mr Mulcahy came into this place last evening at the absolute last moment and stirred the pot on this. He put out a press release, obviously with an embargo on it, designed quite clearly to ensure that the government had a minimum amount of time to prepare some response.

**Mr Mulcahy**: It has been in the paper for a month. Read the papers or stay in Australia. See October 5.

**MR QUINLAN**: You are in fact the chair of the public accounts committee and I would have expected a little better. If you wanted to examine a matter like this then I think you should have taken a far more responsible approach.

At this stage I am trying to sort the wheat from the chaff in relation to what you have put out—the claims that you have made in correspondence to my office and the claims that you have made in respect of the responses you have received to that correspondence. I find some correspondence that has come through rather curious at best in terms of how we get a block of valuations by a real estate agent, which somehow morphs, into concern by a lot of people on the north side, and that is your public claim.

I am prepared to look at this issue in a sensible and sane manner, which I think puts me a yard or two ahead of you.

**Mr Mulcahy**: Give us a break.

**MR QUINLAN**: I mean this. This is snide politics in the extreme. I expected through the course of this Assembly that there might be a shift up. We are used to this sort of distortion—put out a story at the last moment, create a misapprehension if you can and then hope that the story dies in 12 months because the explanation is quite often a little bit more complex than the bland statements that have been made.

If there is a concern in New South Wales and if it does flow through to the ACT, we are happy to look at that. But so far we have not seen a great groundswell at all in appeals against the valuations. We may now, of course, but we have not seen that before. There has not been any particular reason to go out and measure it.

I do not even know at this point exactly how the New South Wales ombudsman has arrived at the figures. I would be reasonably certain that it is not on the basis of 100 per cent sampling but I would like to check just how thorough the sampling was—whether it stands up to a statistical chi-square test or whatever other test you want to apply to say, "Yes, that is a valid conclusion." I would be pretty confident that the New South Wales ombudsman would have abided by statistical principles like that, and it may be the case it is 35 per cent. I do not know how far out they are at this point and we will certainly take a look at that. But I think really this is not the most responsible way to do something like that.

I do not know whether you feel the need at this particular stage of your career for a little notoriety—

**Mr Mulcahy**: I wrote to you months ago.

**MR QUINLAN**: You wrote and said somebody is concerned about land value.

**Mr Mulcahy**: I wrote a number of letters but you were away overseas again, as always.

**MR QUINLAN**: I have got the correspondence here—

**Mr Mulcahy**: That's wonderful.

**MR QUINLAN**: I have got all the correspondence that we could dig out and I think the best I can gauge here is that there are two serious letters that relate to an individual valuation.

**Mr Corbell**: It's a veritable flood.

**MR QUINLAN**: Yes. I am very happy to look further. Give me a list of the letters you have written and then I will verify. But if it is inconsistent with your claims of writing to me on a regular basis and getting non-committal answers, we will come back and debate that.

**MR MULCAHY**: Mr Speaker, I ask a supplementary question.

**Mr Hargreaves**: Hundreds of people ringing your office every day.

**Mr Stanhope**: An avalanche of letters. We might just check the avalanche.

**MR MULCAHY**: The word "avalanche" is yours, by the way. Does the ACT valuation system comply with international standards for checking the accuracy of valuations against sales?

**MR QUINLAN**: I will take that one on notice because—

**Mr Mulcahy**: Oh, yeah.

**MR QUINLAN**: Oh, yeah, I should know off the top of my head. You have been digging into it. That is just daft. I will check that. If there is an international standard and an Australian standard, and if by virtue of there being an Australian standard there is an ACT standard, I will let you know. At this point we use the Australian Valuation Office, which is a government body. We have an appeal process. It is notified on the rates notice that anybody who wants to appeal can appeal. So do not think there is anything scandalous about this system.

The valuations do change. We have a three-year rolling average system that I think was introduced under a Liberal government. I think this is a very commonsense process of factoring out peaks and troughs and also factoring out a given year's inaccuracy. So we have a safeguard within the system by virtue of that rolling average. It is worth the check but it is worth doing so on a rational basis and not trying to set up some sort of hysterical reaction as you have tried to do.

## Aged care accommodation—development application

**DR FOSKEY**: My question is to the Minister for Planning. It concerns the proposed redevelopment of the Goodwin homes site. At a public hearing of the planning and environment committee's inquiry into aged care accommodation last year, the chief executive officer of Goodwin Aged Care Services, talking about his plans, said that people were going to have to weigh up "I want mum to go in there" against "I don't think you should be allowed to build that". It is clearly no surprise to anyone that there are concerns across the suburb at the intended scale of development. Nonetheless, the consultation on the development application was a standard process, with advice going only to immediate neighbours.

Minister, is it a fact that aged public housing tenants in Goodwin Gardens, who share the block with Goodwin homes, were advised that they had no rights to object to the proposed development? How does that sit with the ACT government's stated position that a public housing tenant's house is their home?

**MR CORBELL**: I thank Dr Foskey for the question. I am advised that one tenant who sought to lodge an objection was incorrectly advised that they could not do so. Subsequent to that, the tenant was advised that they could do so, and they did in fact lodge an objection, as, I understand, did ACT Housing to the complex as a whole. They are, indeed, the most immediate neighbours of the Goodwin site at the moment. They abut the site. There is literally nothing between the two sites, whereas the other residents involved in relation to that development are across the road from the site.

It is my very strong view—and I think that it is shared by my colleague Mr Hargreaves—that ACT Housing tenants are entitled to lodge an objection. ACTPLA have been reminded that that is the case. We have certainly accepted any comments that have been made by residents of the ACT Housing aged-care units adjacent to Goodwin.

They have issues that I think are legitimate concerns, as immediate neighbours. I have had the opportunity to speak with one of those residents already. Indeed, I will be speaking further with that gentleman in the coming week.

It is an issue that the government is treating seriously. We are ensuring that those views are being fully taken into account.

**DR FOSKEY**: Given the predictability of the suburb-wide distress, why didn't ACTPLA or the community engagement unit initiate a broader and more open community consultation process?

**MR CORBELL**: It is one of those issues: how many people do you advise of a proposal? For example, you could advise the whole suburb of every proposal in a suburb and nine times out of ten no-one would really care because it would not be contentious or controversial. It is very difficult to predict those proposals that will garner community support or concern and those that will not.

The Assembly has, itself, voted on what the notification requirements are. They are outlined in the land act and the regulations to the act. If members had concerns about those regulations and provisions, they had the opportunity to raise them in debate in this place.

Members would be aware that the government, through its planning system reform project, is proposing to change the arrangements in relation to notification, depending on what type of development is being proposed. For example, those developments consistent with a code assessment will not have the same level of notification as those developments that are subject to merit or impact assessment under the proposed performance. So there is the opportunity in the coming 12 months for the Assembly to look at this issue quite closely, and I am sure the Assembly will. Through you, Mr Speaker: I am sure Dr Foskey will do so when the bills come before the Assembly for discussion and debate. But at this stage the government will be continuing with the existing arrangements until the planning system reform project outcomes are presented to the Assembly.

## Education—student grading

**MRS DUNNE**: My question is to the Minister for Education and Training. I have been advised by parents of former students from Ginninderra district high school that the students who changed schools, especially those who changed schools at the beginning of term 4, have been told that they will be given "status", rather than a grading, for this semester's work. Is this the case, minister, is it widespread, and, if it is the case, why will students who will be attending classes be given status rather than full recognition for their work?

**MS GALLAGHER**: I understand that that issue has come up during the consultation stage over the proposal that the government has put to the community about a new school in west Belconnen. In looking at how students moving, and students moving early, translate into the new school, the grades that they receive for the course of work that they are doing has come up through advice and concerns from parents. My understanding is that that issue has been addressed and that students will be receiving grades. The suggestion from the parents through a consultation stage has been taken into account and addressed with the students who have already left the school. So I am surprised if it is still an issue. Last week I met with some parents who raised this with

me. Departmental staff were at that meeting and they had some discussions with those parents. That is where my information is coming from that the issue has been addressed. I would be surprised if it is still a concern for parents but, if it is, I am more than happy to look at it. But my understanding, from the information given to me, is that this has been addressed to the satisfaction of all parties.

**MRS DUNNE**: That is not my advice, Mr Speaker, but I thank the minister for her answer and I have a supplementary question. Will she give an assurance that no student will have to fight on an individual basis to have their work assessed; that no student will automatically be given status?

**MS GALLAGHER**: Again, I do not know about Mrs Dunne's information or how recent the concerns that she has received in her office are. As of last week, when I met with the department and the parents—

**Mrs Dunne**: After they met with you.

**MS GALLAGHER**: If it was after they met with me, they have heard a different answer from the department than the one I heard. My understanding is that this was raised in an individual case and it has been addressed across the student population. That is my recall of the advice from the department: that it was a good suggestion from parents. I have no reason to believe that it is not being addressed for the student population. It has not been raised with my office. Apart from one situation in a meeting last week, it has not come to my office as a concern that parents have. The advice from the department at the time was that the concerns that a parent had for an individual student were addressed and were addressed across the population.

## Ginninderra school—public consultation

**MRS BURKE**: My question is to the minister for education, Ms Gallagher. The community engagement strategy reveals that the department is planning a public launch and open day for the new megaschool in September 2008, a month before the next election. Minister, since you have already decided to go ahead with the megaschool as an election gimmick, why are you wasting everyone's time and insulting the people of west Belconnen with this charade of a public consultation process?

**MS GALLAGHER**: I think that this is a bit of retaliation with Mrs Burke coming into Mrs Dunne's portfolio. Previously, Mrs Dunne was going into everyone else's portfolio. There is a bit of a turf war going on there with the new whip and the old whip and it is good to see. We are not going to know who is the shadow spokesperson on anything, because they are all going to be amongst each other's portfolios. It is good to see, Mrs Burke. Go and intrude into the areas of other people as much as you like because we enjoy it over here.

*Members interjecting—*

**MR SPEAKER**: Order, members! Let the minister response, please.

**MS GALLAGHER**: All I will say in response to that question, which was ridiculous and not worthy of an answer, is that the government is currently engaged in genuine

consultation with the people of west Belconnen over the idea of spending $43 million on building the best school in west Belconnen, the best school in Canberra, for the students of west Belconnen. The government has not walked away from the view that this proposal will be good for students of the territory for many years ahead. The government's position is clear and we have not walked away from it.

It is my sincere hope that we will be opening a school in west Belconnen for the start of the 2009 academic year. There is no secret about that. That is the government's position. That is the proposal we are consulting on. We are in the middle of a six-month consultation period in which we are taking suggestions from the community, input from the community, in accordance with the requirements of the act and we will be making an announcement about that at the appropriate time.

**MRS BURKE**: I have a brief supplementary question. Minister, is the date in your diary?

**MS GALLAGHER**: I do not think that I need to add anything to that. The question is absolutely ridiculous.

## Corrective services—prison project

**MR STEFANIAK**: Mr Speaker, my question is to the Attorney-General and minister for corrections. Minister, you would be aware that the original budget for the ACT prison was $110 million in March 2003 dollars and that, at the latest count—according to the 2005 budget papers—this cost has already increased to $128 million. Given that New South Wales intends to build another prison for 500-plus prisoners, will the proposed extra New South Wales prison affect the viability of the ACT prison?

**MR STANHOPE**: I thank Mr Stefaniak for his continuing interest in the Alexander Maconochie Centre project. I understand that Mr Stefaniak's major concern with the Alexander Maconochie Centre is that it will not contain a gallows. Knowing, as we all do, Mr Stefaniak's continuing fondness for and support of the death penalty, I would imagine that Mr Stefaniak's concern perhaps goes to that, as well as to other issues, but we will not be providing a facility for executing people.

**MR STEFANIAK**: What is happening in New South Wales?
**MR STANHOPE**: They are not going to execute prisoners either, Bill. It is worth reflecting, as we talk on the subject of—

**Mr Smyth**: Standing order 118 (b) does not allow debate; he must answer the question.

**MR SPEAKER**: The minister is answering the question.
**MR STANHOPE**: Mr Stefaniak asked about corrections. We all know that Mr Stefaniak continues to support the reintroduction of the death penalty in Australia. I think that, in any discussion around corrections and a corrections facility for the ACT, it is relevant to refer to the fact that Mr Stefaniak is a continuing advocate of the reinstatement of the death penalty to the ACT and to Australia. I am making the point that, in the planning

that has been made for the Alexander Maconochie Centre, despite Mr Stefaniak's preference, there will not be a facility for executing Canberrans.

**MR STEFANIAK**: Mr Speaker, I wish to raise a point of order. I do not recall asking him about the death penalty, gallows or anything, just about the prison and New South Wales building another prison for 500-plus prisoners and how that affects the viability of our prison. We are not talking about killing anyone, we are talking about accommodating people.

**MR SPEAKER**: The Chief Minister responds to a question about the corrections issue. I think he is entitled to mention those sorts of matters. In other countries around the world they use that penalty as the ultimate correction.

**MR STEFANIAK**: We do not here, Mr Speaker.

**MR STANHOPE**: Thank you, Mr Speaker. The point is appropriately made that Mr Stefaniak and, I understand, a number of his colleagues—

**Mr Smyth**: Answer the question!

**MR STANHOPE**: It is relevant for this issue to be aired and debated in this place. When opposition members stand up in this place and ask me about the construction and construction costs of the Alexander Maconochie Centre, it is relevant to note that that centre will not contain a capacity to execute Canberrans, a capacity which Bill Stefaniak, the alternative attorney-general and minister for corrections, wants. Mr Stefaniak wants the capacity at the Alexander Maconochie Centre to execute Canberrans.

**MR STEFANIAK**: Jonny, I have news for you: we are not going to do it.

**MR STANHOPE**: That is his position and we know it is the position of other members of the opposition.

**MR STEFANIAK**: What about the viability of the prison?

**Mrs Dunne**: I wish to raise a point of order, Mr Speaker. Under standing order 118, this really is debating the issue. In addition, it is exceedingly misleading of the Chief Minister to attribute such—

**MR SPEAKER**: Withdraw that. You cannot suggest that people are misleading the Assembly.

**Mrs Dunne**: I withdraw the words. It is exceedingly unfortunate that the Chief Minister would attribute policy—

*Mr Hargreaves interjecting—*

**MR SPEAKER**: Order, Mr Hargreaves! Everybody, please: Mrs Dunne has a point of order and I want to hear it.

**Mr Smyth**: Yes, but we are running out of time.

**MR SPEAKER**: We will soon see, if you let her speak.

**Mrs Dunne**: The point I was trying to make is that to attribute erroneously positions about capital punishment to Mr Stefaniak and his policy in the ACT is not part of the question. It is debating and hectoring on the issue and not addressing the question, which is what standing order 118 (a) requires.

**MR SPEAKER**: The Chief Minister is entitled to deal with the matter in context, and he has done so. If Mr Stefaniak feels offended by some personal matter, he can raise it with me under standing order 46 and I will allow him to speak on the matter.

**MR STANHOPE**: Thank you, Mr Speaker.
**MR STEFANIAK**: Mr Speaker, I have a supplementary question. As a blockbuster, Chief Minister, let us try this one: have you had any negotiation with New South Wales to ensure that New South Wales prisoners will still come to the ACT? If not, why not?

**MR STANHOPE**: It is the case that the cabinet-approved budget for the Alexander Maconochie Centre was $110 million in 2003 terms, with a specific notation that a relevant escrow would be applied to the construction day cost. Mr Stefaniak has his sums right. The expectation in the current budget, which we will come in on, is $128 million. To date, with the letting of the first two significant contracts—a $7.5 million design contract and a $2.5 million preliminary works contract—the project is running spot on budget.

I am very pleased that we have progressed as far as we have. We have ended the design phase and begun preliminary works. The first two significant contracts have been let. It is subject, of course, to the design, which has not yet been done. The instruction is that the design be one that can be delivered for the budget cost, and I will continue to insist that that be the case. The budgeted cost is $128 million and we will come in on budget. That is the instruction to date. The two contracts that have been let are essentially right on budget. At this stage the project is tracking, as they say, on time and on budget.

## Land Development Agency

**MR SESELJA**: My question is to the planning minister. I refer to the financial statements of the Land Development Agency contained in the annual report for 2004-05. The financial statements show, on page 76, a growth of around 1,000 per cent in the marketing, promotion and selling costs by comparison with the 2003-04 financial year. Why has the marketing and promotional budget grown by so much at a time when the territory budget is sliding further and further into the red?

**MR CORBELL**: I thank Mr Seselja for the question. The first thing that Mr Seselja should be aware of about the Land Development Agency is that the Land Development Agency is not budget funded; it is not a draw on the ACT budget. Activities of the Land Development Agency are not budget funded; they are funded from land sales revenue. Therefore, there are no increased imposts directly on the taxpayer because of that.

Secondly, the increase in marketing and promotions activity is consistent with the development of an active public sector land development program, which the LDA is responsible for. Is Mr Seselja seriously suggesting that, having established a public sector Land Development Agency, it should not market what it builds?

## Policing—forensics

**MR PRATT**: My question is to the minister for police. Minister, why did an AFP forensics officer testify in court recently that police do not routinely dust for fingerprints at burglary scenes because burglaries are "high-volume crimes"? Why haven't you provided enough resources for police forensics, resulting in forensic evidence not being collected from many burglaries and significant delays in court cases due to forensic evidence not being prepared in time?

**Mr Stanhope**: What has been the reduction in burglaries lately?

**MR HARGREAVES**: I was afraid that Mr Pratt would ask me a question on urban services. I have not had one from him this year on urban services; they have all come from Mrs Dunne and Mrs Burke. I thought that he might break the mould, but he has not.

I am really pleased to have this one. The Chief Minister has reminded me of our terrible record relating to burglaries over the last 12 months! We have only been able to reduce the incidences by 25 per cent. How terrible is that? What part of 25 per cent don't you understand? Mr Pratt pulls things out of the newspaper, blessed though the *Canberra Times* is, turns them into the gospel according to St Stephen, and then comes in here and puts up a paltry question like that.

**Mr Smyth**: Oh, paltry!

**MR HARGREAVES**: Paltry. All Mr Pratt has to do is to ask a question of somebody competent and he will get an answer. Mr Speaker, what happens when—

**MR SPEAKER**: Come to the subject matter of the question.

**MR HARGREAVES**: I am coming to it, Mr Speaker.

**Mr Pratt**: You can't answer it, John; you know that.

**MR HARGREAVES**: Are you finished? It is your time that you are wasting.

**Mr Pratt**: No, it is your time, actually.

**MR HARGREAVES**: I am happy to use up your time.

**MR SPEAKER**: I am not. Just come to the subject of the matter.

**MR HARGREAVES**: Mr Speaker, what happens when the police attend burglaries and when they receive telephone reports of burglaries is that they make a professional judgment as to whether a forensics officer ought to attend to take fingerprints and gather

any other forensic material that may be necessary at a particular crime scene. Mr Pratt would have us have a forensic scientist go round all of those places, the whole lot, and check them all out. Of course, we all know that on the back door handles and front door handles of every house in Canberra there is only ever one set of prints: that of the burglar! No-one else uses those handles, do they? Nobody else picks up any piece of material in those homes except the burglar! It is that easy; all they have to do is to send forensic round there and check it out.

The fact is that it is an operational decision. I have great faith in the police being able to apply forensics when needed and when they will have assistance value in the prosecution of an offender. The police have such a great record in preventing burglaries. That is where their attention is—stopping them. Mr Pratt would have us catch loads of people so that Mr Stefaniak could use our gallows. That ain't going to happen.

It is a matter of record that our burglaries have gone down 25 per cent. Why is that? It is because people like the officers of Operation Halite have applied their talents to a range of issues. One of them is the application of material received from forensics to help target recidivists. We use a blend of forensics and prevention.

**Mr Pratt**: What forensics?

**MR SPEAKER**: Order, Mr Pratt! You have asked a question. Wait for the answer.

**MR HARGREAVES**: So far, in 2½ minutes, Mr Pratt has babbled on for two minutes and ten seconds. I could say, "Rhubarb, rhubarb, rhubarb" for 15 minutes.

**Mr Pratt**: It would make just as much sense.

**MR SPEAKER**: Order, Mr Pratt! I warn you. Mr Hargreaves, direct your comments through the chair, please.

**MR HARGREAVES**: I am actually talking to you, Mr Speaker. I am indicating that I could say whatever I like and he would not listen. Mr Speaker, I am quite confident that the police are applying their resources particularly well to attacking the burglaries issue. The 25 per cent reduction means that they are doing something right. The fact that Mr Pratt will not acknowledge that just shows that he is doing something wrong.

**MR PRATT**: I have a supplementary question. Minister, why is forensic evidence not being collected from many crime scenes due to a lack of resources, given that intelligence-led policing does rely on the collection of forensic evidence as the basis of intelligence on crimes such as burglary?

**MR HARGREAVES**: I wish to make two points, Mr Speaker. The first point is that I have already addressed his question but he was not listening when I gave him the answer. The second point is that forensics are merely a part of the issue. I have an enormous amount of confidence in the operational methodologies of police. Yes, they rely on intelligence, and the intelligence can be any number of things. It can be information received from the public, it can be fingerprints, and it can be the modus operandi. It can be a whole heap of things. Mr Pratt, yet again, is merely pulling one thing out of the air, calling it the gospel according to St Stephen and trotting it out as the

truth. He does not do himself any service, he does not do any of the police officers any service, and he does not do the community any service by casting aspersions such as he does on the efficacy of our police. He is casting aspersions on the efficacy of the police.

**Mr Pratt**: Mr Speaker, I take a point of order under standing order 55, which relates to imputations. I am not casting aspersions on the police.

**MR SPEAKER**: It is a debatable point.

**MR HARGREAVES**: Mr Speaker, I have had it from a number of officers that they are sick and tired of this man casting aspersions on their efficacy. Why doesn't this man stop belting up the police and start tackling some other parts of his portfolios, instead of looking over his shoulder?

## Housing—redevelopment

**MS PORTER**: My question is to the Minister for Disability, Housing and Community Services, Mr Hargreaves. Would the minister update the Assembly on the proposed joint venture redevelopments of the former Burnie Court site in Woden and Fraser Court in Kingston?

**MR HARGREAVES**: I thank Ms Porter for the question. I am pleased to advise the Assembly that negotiations are well advanced with the preferred tenderers for the joint venture redevelopment of the old Burnie Court site and the Fraser Court site. The government went to tender for joint venture partners for the redevelopment of the former Burnie Court site in Woden, Fraser Court in Kingston and Currong apartments in Braddon earlier this year.

The proposal for Fraser Court will involve the refurbishment and the extension of the units. This represents a sustainable outcome and provides an opportunity to accommodate the existing tenants who wish to remain at Fraser Court. The proposal for the former Burnie Court site is based on an accommodation type that will increase the housing alternatives close to the Woden town centre. It will also provide for the inclusion of social housing.

Members would be aware that Housing ACT has already constructed 24 older persons units on the Burnie Court site. I am pleased to advise that these units are due to be occupied this month.

Housing ACT is progressing negotiations with the preferred tenderers to establish the joint venture arrangements. The negotiations are commercial-in-confidence and it is expected that this process will be finalised in early December when further details of the joint ventures will be released publicly.

The call for joint ventures on the third site, the Currong flats in Braddon, did not produce any response that was acceptable to the territory. Housing ACT has commenced discussions with the industry about the most suitable development route for this site, with a view to achieving a return that is acceptable to the territory. I can state categorically that the government will not be engaging in a fire sale of the Currong site.

We will, however, examine a variety of options with industry to achieve a good outcome for public housing and for the community.

In the meantime, I am pleased to advise that Currong will continue to be used in 2006 for short-term, affordable student accommodation. Discussions are under way with the existing student accommodation managers to determine the arrangements for the 2006 academic year.

## Canberra—centenary

**MS MacDONALD**: My question is to the Chief Minister, Mr Stanhope. Can he please inform the Assembly of what progress has been made to date in planning for the centenary of Canberra, and the level of community support for the planning work?

**MR STANHOPE**: I thank Ms MacDonald for the question. I am very pleased to keep the Assembly up to date on planning for the centenary of Canberra in 2013. As I think all members are aware, the centenary of Canberra will be almost certainly Canberra's biggest birthday yet, as it should be, and an incredibly significant milestone for the city. It presents an unrivalled and absolutely unparalleled opportunity for Canberra as a city, as a community and as the national capital. Our aim, of course, is that in 2013, the centenary year, the attention of every Australian will for that entire year be focused on Canberra as our national capital and as the great city that it is. For we Canberrans, of course, it is a similarly unparalleled opportunity to celebrate the greatness of the city and the community that we are privileged to share and be a part of.

There has been particularly close cooperation. I am very pleased with the work that has been done to date, particularly by Lincoln Hawkins, who is heading up the secretariat underpinning the work that has been done by the ACT government, and to a greater extent now by the broader community, in putting together a framework and doing the groundwork to ensure that we celebrate the centenary in a way that achieves the outcomes that we all want for it.

It was in that context that on 5 October I, along with other members of the Centenary of Canberra Task Force, released the Canberra 100 discussion paper and announced two important competitions as part of the release of that discussion paper. One of those was a competition for centenary ideas and the second was a competition for a logo design. Already, both those competitions are attracting enormously broad interest and response from the community. At this stage we have already received more than 100 submissions of ideas of how we might celebrate or things that we might do. Some of them have involved an awful lot of thought, some of them are quite innovative and imaginative, and they are exactly the sorts of ideas that we were looking for from the people of Canberra. Some people are focusing very much on having a party, a good time; others are looking at more serious issues like memorials or legacies that might endure into the next century and be something to be celebrated on the bicentenary of the establishment of Canberra as the nation's capital.

A great flood of ideas has come to the task force from across the spectrum. We are looking forward very much to the same level of interest in the logo design, with a special and separate design competition being pursued through our schools, seeking to involve

children in the design of logos—something I have always felt they do amazingly successfully. I am looking forward very much to the response to that.

I should just add that, at this stage as we develop a range of partnerships throughout the community in relation to the celebration, there has been fantastic support in terms of media sponsorship from ActewAGL and TransACT, and from every one of our media organisations, whether print or electronic, within the ACT. I have to say that the level of initial support, and continuing support that we expect, from the newspapers and from radio and television stations has been exemplary, and just what we were looking for to ensure that this is a successful event.

It is interesting, as we ponder how we might celebrate the centenary, to look at and share the experiences of other cities around the world. We have already had some discussions with Alberta. Of other significant cities around the world, this is the one that we are aware of that most recently celebrated its centenary, in September of this year. That has just concluded. Alberta planned for its centenary celebration for just on nine years. We have begun detailed planning for the Canberra centenary just on seven years out from the celebration; Alberta planned for nine. There was a view that perhaps that was a little long, but they put together a very significant and detailed program of events. At the end of the year they had celebrated on 900 separate occasions 900 separate events, which made up the totality of the year of celebration.

At this stage we are still thinking. Anything is possible. If we all put our minds together, we can end up with an absolutely fantastic celebration and something that will bring the focus of the world onto Canberra and indeed onto all Australians. It will perhaps be an opportunity to change some of the perceptions of Canberra and change our reputation and standing forever and a day.

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

## Supplementary answers to questions without notice

### Land valuations

**MR QUINLAN**: During question time, Mr Mulcahy asked me about the valuation process used by the AVO and whether it matched international standards. A quick advice—and we will double check it of course—according to the AVO is that there is no international standard. I do not know where that comes from. I would be happy to be informed on what the basis of the question was. I am advised that the approach taken accords with long-established valuation principles; is applied as rating methodology throughout Australia; is endorsed by the Australian Property Institute; and is accepted by courts such as and including the ACT Administrative Appeals Tribunal. If that is sufficient information, I will leave it at that.

As a point of clarification, while I am on my feet: I mentioned a bundle of correspondence. I have just looked through it. What I have got here is one letter from a resident in Campbell relating to valuation, one letter from a woman in Red Hill concerned about level of rating but not about valuation, one letter not concerned about rates but about a discount scheme—these are from Mr Mulcahy—and one letter with no names and no constituents mentioned. As I said, it is a bundle of, seemingly, valuations from what looks like a real estate agent looking for work.

If there are any more letters that I have missed—that would in fact validate the claim that you have made in public that you have been in touch with me on numerous occasions in relation to valuation—I would appreciate them. In fact, this house will find it important for you to provide them.

## Temporary Deputy Speakers
### Revocation of nomination and nomination

**MR SPEAKER**: Members, pursuant to standing order 8, I revoke the nomination of Mrs Burke as Temporary Deputy Speaker and nominate Mrs Dunne. I would like, at the same time, to thank Mrs Burke for her skilled care and attention to the position when she has acted in the chair. I present my warrant or revocation and nomination:

> Pursuant to the provisions of standing order 8, I—
>
> 1. revoke the nomination of Mrs Burke as a temporary Deputy Speaker, and
>
> 2. nominate Mrs Dunne to act as a temporary Deputy Speaker.
>
> Given under my hand on 19 October 2005.
>
> Mr Wayne Bruce Berry
> Speaker
> 19 October 2005

## Papers

**Mr Speaker** presented the following paper:

> Study trip—Report by Mrs Vicki Dunne MLA—National Symposium on Sustainable Water Management, Canberra—15-16 September 2005.

**Ms Gallagher** presented the following paper:

> Dangerous Substance (Asbestos) Amendment Bill 2005 (No 2)—revised explanatory statement.

## Industrial relations

Debate resumed.

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (3.34): I will gladly take my second 15 minutes if the opposition is not interested in talking about the impact of the federal government's industrial relations reforms on the ACT. I presume that, because of the extensive briefings Mr Mulcahy has had over recent months, he knows what is in it and that it is all good for the ACT, which is why they do not need to worry about participating in this discussion on it.

I rise, of course, to support the motion put forward by Ms MacDonald, particularly as Minister for Industrial Relations, Minister for Children, Youth and Family Support and Minister for Women. We see, from the federal government's WorkChoices documents, that many of the changes that they are talking about will significantly affect young people, women and those who are certainly not earning the type of salary that we know Mr Seselja and Mr Mulcahy have negotiated for themselves on AWAs.

If you look at the issue of young people for just a moment and take the federal government's WorkChoices booklet—as I said, none of us has been privileged to have the kinds of briefings that Mr Mulcahy has had; so we can only go on the booklet that has been provided to us—on page 20, you can read the story of Bernard, a 17-year-old school student who is working as a cinema usher on the weekend. He is currently covered by an award and all the protections that the award system provides. However, his employer, according to the example, would like Bernard to sign an AWA. It does not say whether Bernard would like to sign an AWA but his employer would like him to.

Unfortunately, Bernard is under 18 and so cannot enter into this secret individual contract to trade away all his rights. The federal government has acknowledged that it is probably inappropriate to ask under 18s to trade away their rights under law as minors in the law. In order to be successful, Bernard's employer must seek the signoff of Bernard's parents. I guess, in a way, it is an admission from the federal government that those under 18 should not be put in a position to engage in a legal contract that would bind them when they are under the age of being able to do that. Previously this has not been an issue, of course, because they have been covered, like everybody else, by the award system and, if they are lucky enough, by a certified agreement.

Anyway, Bernard's parents must join the party, sign off on the agreement and sign away, presumably, the entitlements that Bernard was previously getting under the award; otherwise, there would be no pressure to move him from the award to the AWA. Potentially, Bernard, I imagine, says goodbye to his penalty rates and his shift rates, his holiday leave and annual leave loading. He probably works public holidays. His hours will probably change week by week, I imagine, in a job like a cinema usher. And that is it. That is Bernard's way of life until he is 18 and able to trade away his own rights, I imagine.

Let me deal with the impact on young people, particularly if it is their first experience in the labour market. Maybe some of us or maybe some of our children will be wealthy enough to engage bargaining agents to make sure that they will be in a position to protect some of their rights, but that might be for the lucky few. People like poor old Billy, who is, we presume, over the age of 18—although it is not clear from the example—on the dole, engages a bargaining agent, before he gets a job. He manages to pay for his bargaining agent out of his dole cheque. It is a very astute Billy, who has been out of the labour market for a long time to think, "Before I go and try to get an AWA, I had better engage myself a bargaining agent because that will make sure that I am at least on a level playing field."

Then Billy's bargaining agent trades away every condition that he could get. I am not sure what Billy gets out of the bargaining agent relationship. Perhaps Billy also needs to attend an education program that teaches him that the reason you engage a bargaining

agent is to protect your conditions, not to trade them all away, and then have to pay your bargaining agent for the gift of doing that.

Seriously, if some of the examples in that book were not going to be the reality for many people in the ACT, you could sit here, laugh at them and say, "How ridiculous is this," because of the scenarios that are put there. But this will be the reality for workers in the ACT next year. And it is very important to understand and to accept that, unless there is a huge change—and I am in no doubt that Mr Mulcahy is lobbying the federal government in his briefings with them on the importance of protecting ACT workers from these changes—this will be the reality for children looking to enter the labour market from next year. This will be the playing field that they start on.

As I have said, perhaps those who are more advantaged and have mum and dad to lobby for jobs on their behalf—maybe go overseas and look after their interests over there—and make sure that they are protected from the more ruthless employers out there, will do okay in this brave new world. There is no doubt that the protections will not be the same for the majority of people who are going to go down to their local fast food outlet, who are going to be seeking employment in major chains or for those young people entering the market next year.

In relation to women: ministers for women around the country have joined together and written an open letter about the changes and the concerns that we see for women and the industrial relations impact on them. We know that women on individual agreements already get paid significantly less than men doing the same job. On average, women get paid $5.10 less an hour than men. We know that only 7 per cent of registered secret individual contracts make a provision for maternity leave. We already know this data. We know that women on collective agreements earn around 11 per cent more than women on individual agreements, and we know that family friendly conditions, those kinds of conditions that help you make the choice about work and the hours you work, are not core components of any individual workplace agreement, as they are when we are looking at awards and collective agreements.

We know that these changes are going to have a significant impact on women. It is not only women's ability to get equal pay for an equal job and to stand on a level playing field with men—and there has been a significant area of restructuring and community support for the idea that men and women should be treated equally in the workplace—but, for many women, getting a job now is simply not going to be a reality. We know more women than men work on minimum rates and we know the example Mr Mulcahy gave earlier about hotel cleaners or people working in the hospitality industry. They are predominantly women, predominantly casual and predominantly working on the minimum wage. These are all conditions that are in the firing line. For many women, the choice will no longer be a choice. That is where the title WorkChoices is—

**Ms Porter**: It is ridiculous.

**MS GALLAGHER**: It is a choice for some. It should be called "choice for some and not for others". It certainly is not taking into account the particular situation of vulnerable groups within our community. If your minimum wage is going to stay static for the next year, if you are not going to have the protections of shift penalties and other penalty rates, which make it easy for you to go to work because you get a bit of double time on

the weekend, meaning you can stay home with your kids during the week—if all of these are taken away, then the incentive for women to go to work and to have a life outside the home, if they choose to have that, will be taken away from many women. The ministers for women around the country have joined together, and these are the concerns that are expressed right across the country.

Here in the ACT, again we will see the impact more significantly. We have the highest female job participation rate in the country. The proportion of women with children under four in the ACT is 10 per cent above the national average. So things such as family-friendly conditions, carers leave and maternity leave are all areas where the ACT, if these are taken away, will be impacted.

I know that those who are supportive of these reforms will say, "But that is not the case. These are not being taken away; there are going to be minimum standards." There are going to be four minimum standards; that is it. We are not talking about paid maternity leave and those sorts of entitlements here. Anything above those four minimum standards is in the firing line. And to say that they are not and that women on awards will currently get the award protection that they deserve ignores the reality of what bargaining in the workplace is like. The push for AWAs, which this legislative framework is going to allow, will mean that those who are currently enjoying the protections of awards or collective agreements will have those protections taken away.

I know that earlier Mr Seselja talked about the success of AWAs and how he had successfully negotiated himself a very nice pay deal under the AWA proposals that have been in place since 1996. It is true that the commonwealth public sector has been the area where the push for AWAs has been the strongest. I know from my own days at the CPSU that, from 1997 on, it became pretty much mandatory to have a clause in a certified agreement that said, "An AWA can be offered at any time to anyone under this agreement."

The reality is that, eight years later, 87 per cent of commonwealth public servants remain on collective agreements. If you take the SES out of it, 87 per cent of the public service have voted with their feet and have voted for a collective agreement. The people who design the laws, frame the laws and design the framework for the laws that we are all to work under, are the ones that go, "No, thanks."

We have all watched the recent industrial dispute at the Department of Employment and Workplace Relations where the people drafting the legislation that Mr Mulcahy allegedly has seen and has been briefed on have taken industrial action to say, "We don't want to go under that model. We want the right to collectively bargain and to have those protections offered to us in the workplace." These are the people who know what is in there. And 87 per cent of commonwealth public servants say no to them.

Here in the ACT, we have a policy of not offering AWAs. All the arguments about the increased flexibility, attraction and retention of AWAs have not been a reality since 2001, when the policy changed with the new government and AWAs were not offered routinely and, in fact, were not offered at all. We have got, under our current certified agreement, to have a clause called special employment arrangements for those areas where there needs to be addressed some of the particular aspects of particular

workforces. We have got that flexibility within the collective agreement, and the sky has not fallen in.

Our retention rates are better than they were under Carnell. That is no surprise, considering people are being paid appropriately. But we have been able to address flexibility within the market, within a collective certified agreement. So the arguments around benefits of AWAs are simply not there.

One of the most significant changes, which we have not talked about yet but hopefully we will have more opportunity to this week, is the taking away of the no disadvantage test. Previously, if you were on an award and were moving onto an AWA, the no disadvantage test applied, that is, your AWA could not slip below the minimum rate that the award set for you. That offered some protection for people if they chose to or were pressured to move to an AWA, because there was a measure about how far the flexibility went. "This is the minimum standard. You can go above that in your AWA and you can change things around outside of those standards."

But that has gone. There is going to be no measurement of these secret contracts at all. There will be the full minimum standard and, once you have ticked that off, everything else is up for grabs. That will be to the detriment of working people across the country. There is simply no doubt about that.

Why take a no disadvantage test away if you are not looking to disadvantage people? Why would you remove it if it has been sitting there and protecting minimum standards? We are not talking about anything glorious here, anything tremendous such as we as employees or even the people in our offices receive. We are talking about minimum standards. Why take away the no disadvantage test if you are not going to disadvantage people?

**MR MULCAHY** (Molonglo) (3.49): Obviously, this is about the third run dealing with this issue in the last two days. There have been a couple of other presentations on this subject over the last couple of months. We will, however, continue to discuss it, and I am more than happy to. I will deal with some of the matters Ms Gallagher raised and some of the matters Ms MacDonald raised. I would say that I was of the belief that we really could do better than start having a go at people's families here. I am disappointed that that opportunity was taken.

But let me move on. There was reference to housekeepers. I gave an anecdote before lunch in another debate about an experience I had here with the interest of a couple of union officials in Sydney who would come down to Canberra when the spirit moved them to look after, supposedly, the interests of their employees. I will tell you the rest of that story, because it does not get any better for the union. In their quest to get out of town and pull a strike at the Hyatt Hotel, basically they demonstrated very little interest in the plight of these employees—to such an extent that I ended up going to the industrial commission and, as an employer representative, applied for an increase for them, because the union had been derelict in its duty for many years.

The union opposed that increase because they were acutely embarrassed by it. The commissioner was quite confused as to which side was which in this matter. We were eventually able to get catch-up increases for those people, but it certainly was an

indicator to me of just how well their interests were being looked after under the current system that it took employer representatives, at the request of employers, to formally improve the award conditions for people whose award levels had fallen below social security payments for unemployed people.

This is what we are told is a wonderful system that should not be changed. I am sorry, but I believe that we need to modernise our approach to the workplace. Certainly, what is being proposed at the federal level is part of that.

Leave is to be taken away. We were told by the minister that this is going to happen, but it certainly flies in the face of the published material, which states that these matters will be protected at law.

In terms of bargaining in the workforce and this impression that people are going to have their wages lowered and be terrorised and told take it or leave it: it simply flies in the face of reality in this community in which we live. I had only a few weeks ago the chairman of the Canberra Business Council come in here and tell me the difficulty his own firm was having in recruiting people because of the competitive demands of other employers.

Do you think someone in that position is going to say, "Whoopee, we have got the capacity now to suddenly pay people vastly less; that will solve my problems." I go into cafes and that in Canberra and people come up to me and say, "Do you know people who can come and work? We cannot get people to come and work here." I do not think, in that context, that these reforms, which create greater flexibility in negotiating employment terms and giving people the capacity to move outside of a very structured, rigid and outdated system, are suddenly going to see people exploited. We are not talking about 1929 and the depression, with masses of people out of work; we are talking of a situation where we have seen the best economic performance in many years. I feel with confidence that we will continue to see that improve.

The minister also—and it has been in the media, I see—got quite excited about my being briefed. I have offered to facilitate a meeting for the minister if she is seriously interested in talking to the commonwealth. I take quite seriously my duty as a shadow minister to make sure I have regular briefings and meetings with each of the relevant federal ministers who have responsibility for the areas in which I am the opposition spokesman. I find cooperation there.

I have also, as I alluded to yesterday, worked closely with the trade union movement through this issue and have tried to ensure that those points of view are taken into account as well. That may come as a surprise to members opposite. I believe that, in the area of industrial relations, one ought to try to ensure that one can, as best as possible, incorporate the views of the industrial organisations, be they employer or employee.

Ms MacDonald went on about the fact that if the Howard government had its way through the Australian Industrial Relations Commission, there would be $50 a week less in people's pay packets. That really is gilding the story somewhat, knowing full well how the system of industrial relations negotiations has worked in Australia. If it were somebody who had come from a background that knew no better, I would accept that. But Ms MacDonald has had experience, as I understand it, in the labour movement; she

understands the process; she understands the ambit nature of claims and how that system works.

I always thought it was verging on ludicrous that I would get these claims served on me by unions, asking for $10,000 a week, 52 weeks paid leave a year and all sorts of things, simply as a basis for creating an industrial dispute. What consistently happens with the living wage cases is that the ACTU normally files a claim, as you know; then the commonwealth puts a view; one or two of the peak employer organisations weigh in; and sometimes the state and territory governments do. Then there is a negotiated outcome. To say that the commonwealth wanted to drag wages down by $50 a week and really lost out is about as credible as saying that the ACTU seriously thought that the extent of their ambit claim was likely to be successful. In neither case is that valid.

But the problem with the Industrial Relations Commission and the nature of those previous cases is that, really, they fail to take need into account. I saw, in the mid 1990s, decisions handed down that would have wrecked the employment and lives of people. There was a case in 1994 where an increase extended by the commission would have cost the hotel industry $104 million over a six-month period. I was faced with a situation where international hotel owners said to me, "We are not going to be able to draw more funds down; we are not going to increase our borrowings; we cannot increase our payroll. If we are obliged to live with this situation, we will have to let people go."

I managed to convince unions to let us have a freeze, even though they had the potential to apply that order. But it showed the inflexibility of the industrial system, because, essentially, they were saying one size fits all. They were saying, essentially, through that commission, "Bad luck if you have got sections of industry that are in grave difficulty." The only way you could get around it was to present individual sets of books before the commission—a totally impractical arrangement for national wage matters. The capacity to work and develop arrangements that work for a particular business where the employees have a direct involvement and understand their and the business's needs means we are going to see a lot more stability in employment arise out of this.

I spoke earlier of the gloom and doom predictions of the past. We saw that predicted by people such as Mr Beazley, who said things were going to fall apart and disappear under a Liberal government. Back in 1996, he said:

> The Workplace Relations and Other Legislation Amendment Bill strikes at the heart of the desire by all Australians for a fair as well as a productive society. If we pass this bill into law, we will return the workplace to the battleground it used to be.

I am sorry, Mr Beazley, but, sadly, your predictions have been proven wrong. We have a situation where we have a low level of industrial disputation; we have a situation—and Mr Stefaniak will detail this—where we have a high level of satisfaction among people utilising the Australian workplace agreements; we see families with more money in their pockets.

I should take up a point that Ms MacDonald made. She talked about economic prosperity and put all the emphasis on wages. What she does not appreciate is that your economic prosperity is governed by a raft of factors. It is governed by how much you pay in interest on your home mortgage; it is governed by whether everybody in the house can

get a job and can have employment; it is governed by whether your grocery bills are increasing through an unmanageable rate of inflation; it is governed by whether the business you are employed in or that you own has enough customers coming through the door, which is, again, dependent on the global economic outcome. It is not just a case of picking one aspect of the economy, wages policy, and saying everything else is insignificant.

What this federal government is constantly attempting to do is preserve Australia's economic competitive position, which is, as I mentioned yesterday, an ongoing and major challenge that we cannot ignore, and it is doing it through a raft of economic and structural changes that range from tax policy to industrial relations to export policy. I believe that is why the measures they have introduced are commendable.

**DR FOSKEY** (Molonglo) (4.00): I thank Ms McDonald for moving this motion today. Although this matter is continually debated in the Assembly, it is a matter worthy of discussion and it gives me an opportunity to outline the national Greens' response to the federal government's WorkChoices program.

Greens all around Australia agree with the Labor Party that WorkChoices will have a negative impact on minimum wage earners, women, casual workers and young people, amongst others. The Greens believe that workplace laws should be fair, protect all workers from unjust treatment, promote industrial harmony and enable us to collectively organise to negotiate fair pay and conditions.

The Howard government's proposed IR changes are not in the interests of working Australians, families or small businesses. They will not strengthen our economy or improve our way of life. In fact, they will undermine it by lowering the wages and stripping back the awards, rights and conditions that we fought so hard for over the last century. This is a none too subtle effort by the coalition to destroy the union movement and make the already powerful in our society even more powerful. Later on today I will be moving a motion that, in part, discusses the impact of ongoing industrial changes at a federal level on minimum wage earners and casual workers. I will now focus on the negative impact that WorkChoices will have on women and young people.

Early in my working career I had the opportunity to work in factories. I worked with people who did not have, as I did, a university qualification that enabled me to move on. I worked with women who were probably symbolic of the kinds of people that will be badly affected by these laws. That was the late sixties. We have seen a lot of advances for women since then, but in those times people were unable to articulate their own demands. We are talking about a biscuit factory, which was largely staffed by migrant women of non-English speaking backgrounds, and a plastics factory, which was staffed by the ordinary married and young unmarried women of Bacchus Marsh.

These people did not really believe they had a voice. Even if they had an active union branch in their factory, they did not have the time to attend meetings. It is worth remembering in this debate that unions have not always been directly concerned with the rights of those people, although I do believe that things have improved in the union movement in the last decade or so. It is a criticism of unions, not just in Australia, but also in America and Britain, that the needs of women, especially women of non-English

speaking backgrounds, were often not directly addressed. Nonetheless, those women did benefit generally from the work that unions did.

Women have, as we know, in unions and elsewhere, struggled for a long time to achieve improvements in their working conditions. They still, on the whole, face unequal pay and discrimination in the workplace, and that is often related to where women are most concentrated. An issue that has become huge in the last few years is childcare. Childcare is still largely unaffordable to all but those on high wages. Many women have to weigh up whether it is worth it for them to take that job because the costs of childcare will bite into their wages so much that really they are just working because they love working, not for the money. That is an issue that I will not be able to address strongly here, but I think it is a very important one.

What should be basic rights for women and others are now threatened by the government's proposed changes. Many of these rights, such as equal pay and parental rights, have been attained by collective bargaining and by union advocacy in test cases. In the last few years, under the leadership of Jennie George and Sharan Burrow, the unions have excelled in the area of basic rights, something that the Howard government will erode with the dismantling of union powers and the move to individual contracts. Many women will be severely affected by the removal of unfair dismissal protection, the reduction in minimum conditions and reduced access to collective bargaining.

The majority of women work in workplaces with fewer than 100 employees. They will now be exempt from unfair dismissal laws. As the ACTU ads point out, women with childcare responsibilities cannot be as flexible as employers may like. I have had direct experience of this. One of my staff had two young children in childcare. On a number of days she was unable to come to work because one of her children had a runny nose, a slight infection, and could not go to childcare. I am a flexible employer. That was fine. But I do not know how many employers would take that into account. Children do get sick. It is not good if women have to hide the fact that their child is sick so they can go to childcare that day. That is not good for other children. I must say that children in childcare do get sick quite often because they come in touch with every little germ that is going around. How are women who are parents of young children going to survive this regime?

Conditions such as overtime, leave loading, long service leave, parental leave, higher pay rates for late and weekend hours are no longer included in the minimum safety net. The lack of these conditions will impact disproportionately on working women, many of whom are in part-time or casual work. We will see women disadvantaged by individually negotiated contracts. Due to their socialisation, many women are not as good at standing up for their rights, and that is particularly so for women at the lower income end and women who are of non-English speaking backgrounds.

We expect that the welfare to work provisions that are pushing sole parents, who are usually women, back into the workplace will exacerbate this situation. Working mothers are more likely to be taking part-time or casual positions where pay loadings will no longer be guaranteed. We already know, according to Roy Morgan Research, that only three per cent of 14 to 17-year-olds and four per cent of 18 to 24-year-olds express support for the proposed IR reforms. They already have a difficult time in the workplace. The young people who participated in focus groups articulated high levels of anxiety at

the thought of bargaining individually with their employers. To date, most young people have not had to participate in such a process. They have been able to rely on pay rises that are collectively bargained or granted through the award system.

It is unlikely that young people, with their high rates of casualisation, low rates of specific skills and generally low levels of bargaining experience will be able to achieve substantial increases in pay or conditions under a system that relies more heavily on industrial bargaining. I see that the workplace relations minister recently dismissed concerns that young people will not have equal bargaining power with their employer as being patronising to young people. Apparently it is not patronising to confine them to the lowest paid echelons of our workforce and to deride them and make it difficult for them to join unions.

While there is no doubt that some young people will have the skills to negotiate on their own behalf, it is important to highlight that there are a few constraints to those individuals bargaining for better conditions under the current system. That being said, it would appear that the majority of young people are more concerned than excited about the prospect of negotiating one-on-one with their employers. Rather than being patronising, it would appear the concerns about the ability of the majority of young people to bargain from a position of strength with their employers is well-founded, given the available research.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.10): I am pleased to join in this debate today on the motion moved by Ms MacDonald. There have been some interesting comments made in this debate and in previous debates that have touched on similar issues. I would like to make my own contribution on the issues that I think are particularly pertinent to the motion that Ms MacDonald has moved today.

The first of those relates to unfair dismissal laws. Unfair dismissal will disproportionately impact on those young people, low-income earners and casual workers who work in industries where traditionally there are fewer than 100 employees. The federal government has made clear its intention to get rid of unfair dismissal laws. It was interesting to hear on Radio National this morning the workplace relations minister, Mr Andrews, questioned on the federal government's claim that there would be an increase in employment because of the abolition of unfair dismissal.

He was asked, "How is this going to happen?" He referred to a report that had been commissioned, which indicated that 77,000 new jobs were going to be created. He was then asked, "Well, how exactly are these jobs going to be created?" He said, "Well that is a report that said there were going to be 77,000." The reporter asked, "Yes, but how are these jobs going to be created?" He walked away from the report. He walked away from the assertion that 77,000 jobs were going to be created. So the suggestion that the abolition of unfair dismissal laws for firms and businesses with fewer than 100 employees would create jobs was effectively publicly disavowed this morning by the workplace relations minister. That, unfortunately, will not have any impact on whether or not it is used in federal government advertising, I am sure they will continue to make the claim, even though it is a claim that Mr Andrews is unprepared to back up when questioned on it.

The key element of Ms MacDonald's motion deals with no worker being worse off and, effectively, the abolition of the no-disadvantage test. Mr Mulcahy has made much of claims by the Labor movement, the Labor Party, the churches, the Salvation Army, a whole range of organisations that have come out and said, "These are serious issues of concern." "These claims are not backed up," say Mr Mulcahy and those on the opposite side of the house, "by the evidence that we have seen of wages growth and employment growth," and so on.

There is no doubt that right now it is an employees' market. Workforce shortages in a whole range of areas have seen unemployment drop and wages grow. But the real question is: what will happen to workers and employees when it is an employers' market? What will happen then? What will happen when the employer has the choice as to whom to recruit, whom to retain, whom to employ, whom to pay and under what conditions? It is then that the safeguards are important. That is really the circumstance in which the federal government's package should be judged, not when times are good for workers, not when there is demand from employers for workers and there is limited choice.

Of course, when there is low unemployment and workforce shortages, employers are going to pay attractive wages, higher than average wages, and we will see real wages growth. But how is this package going to stand up when there is higher unemployment? How is it going to stand up then? That is when these things will become very important. Surely Mr Mulcahy is not saying that we are always going to have wages growth, high levels of employment and low levels of unemployment? The history of the past two decades alone suggests otherwise, let alone the history of this nation since Federation. That really needs to be considered.

In a time of higher unemployment, how much guarantee will we have that employers will still respect their employees' needs for long service leave, maternity leave, penalty rates, occupational health and safety issues, all those things? How will those issues be respected in conditions of employment when employees do not have the bargaining power they have in these current prosperous times? Do we seriously believe that, unless they are legislated for and guaranteed in collective agreements and in industrial relations law, those things will still be respected? The answer is no, they will not be respected because there will be no market incentive to respect them. Employers will be able to pick and chose. They will say, "If you want to be employed, I am sorry, but long service leave, leave loading, penalty rates and maternity leave are optional. They are not essential. They are not basic rights."

The other really disturbing thing about this debate is that the ability to have a job seems to be more important than the ability to have a job that is well paid and where you are respected as an employee, as a worker. It does not matter whether you have got crummy conditions; it does not matter whether you have got poor conditions of service; it does not matter whether you are not respected for your role in the workplace. You have just got a job. For Labor members, it has never been about just jobs. The Labor Party has never been about just having a job. The Labor Party is about having a job where you are respected and where your rights as an individual and as a human being are respected. That is the fundamental difference, I think, in the debate that we are seeing currently in this nation.

There is a range of other issues that are probably worth addressing. Mr Mulcahy and those on the other side of the chamber go on to say, "Times are prosperous and you are seeing real wages growth. Don't worry. This package will be fine." They are saying that everything seems to be good. There is no doubt that people are better paid and that rates of unemployment are low. But what is the other side of that equation? The other side of that equation is that we are seeing increased casualisation of the workforce, increased levels of part-time work—

**Mrs Burke**: It's called choice, Simon.

**MR CORBELL**: It is not choice.

**Mrs Burke**: Of course it is choice.

**MR CORBELL**: It is not choice. I will take Mrs Burke up on this question. The overwhelming majority of those people who were surveyed who currently have part-time or casual work indicated they want full-time work. It is not choice. They want a decent full-time job. So this notion of flexibility, this notion of choice is a nonsense. Most people want greater certainty. They want greater certainty of employment, greater guarantee of employment. How can you raise your family, how can you plan your future, how can you create the legacy you want to leave for your children when you do not know whether you are going to be working in six months time?

**Mrs Burke**: It gives people a flexible lifestyle.

**MR CORBELL**: Those are the issues. These are not lifestyle choices.

**Mrs Burke**: Of course they are.

**MR CORBELL**: Mrs Burke says that this is a wonderful lifestyle choice. Some people do choose, but most people want more than they have when it comes to part-time and casual work. They want greater certainty and security of employment. How can you participate as a citizen of society without those guarantees?

Of course this wonderful age of prosperity has had other impacts, for example, the highest level of individual household debt in Australian history and the crippling burden that that is placing on Australian families, Australian workers and Australian individuals. We have the highest hours of work undertaken of any OECD country. We are the most productive country in the OECD in terms of hours worked. We have the highest average number of hours worked of any industrialised nation in the Western world, to use that classification.

These are not solely wonderful, rosy times. Families face less time for themselves, less time for their children, less time to enjoy the benefits of their labour because of the reforms that have been put in place since 1996. That is occurring because of the provisions that are already in place, and these changes will only make those things worse for low-income earners, children and young people—

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

**MR STEFANIAK** (Ginninderra) (4.20): I have a number of figures here that I think are pertinent to this debate. They show that, rather than being something to be feared, these new reforms are actually to be welcomed. As we have heard before, the earnings of employees on Australian workplace agreements are, on average, 13 per cent higher than employees engaged under a collective agreement. That is $890.93 as opposed to $787.40. There is another figure. The weekly earnings of employees on Australian workplace agreement are, on average, 100 per cent higher than employees on awards, that is, $890.93 as opposed to $444.55.

The weekly earnings of non-managerial AWA employees are, on average, three per cent higher than those on collective agreements, that is, $744.96 per week as opposed to $720.22. Private sector AWA employees' weekly earnings are, on average, nine per cent higher than private sector employees on collective agreements, that is, $800.73 a week as opposed to $733.50 a week. Private sector AWA employees' weekly earnings are, on average, 81 per cent higher than private sector employees on awards, that is, $800.73 a week as opposed to $442.72.

In the public sector, AWA employees' weekly earnings are, on average, 57 per cent higher than for public sector collective agreement employees, that is, $1,3078.47 a week as opposed to $878.50 a week. The source of that information is the ABS *Employee earnings and hours survey 2004*, ABS Category No 6306.0. From their introduction in 1997 to the end of September 2005, 761,291 Australian workplace agreements have been approved. In the past 12 months, 214,406 AWAs have been approved. This represents a 38 per cent increase on the previous 12 months.

Mr Mulcahy said that I was going to mention what people on AWAs actually think of them. The DEWR *Report on agreement making under the Workplace Relations Act 2002-03* contains some interesting statistics. Compared with workers on collective agreements under the federal system, AWA employees are more satisfied that they are rewarded for their efforts than collective employees, 44 per cent as opposed to 29 per cent; more satisfied with the change in their pay and conditions, 38 per cent compared with 29 per cent; feel they have more influence over decisions affecting them in the workplace, 69 per cent compared with 65 per cent; more likely to say that stress in the workplace has reduced over the last two years, 19 per cent compared with 14 per cent; while collective employees are more likely to say stress has increased—49 per cent to 37 per cent. Stress is one of the big factors that have been mentioned by those opposing the Howard government reforms. Those figures seem to belie those claims. I find them very interesting.

There are some further findings in this report. It states that AWA employees are more likely to say that management does its best to get along with staff, 64 per cent compared with 34 per cent; and, finally, are more likely to feel that management gives them a say in how they do their jobs, 58 per cent compared with 35 per cent. Really, I think those figures belie all the doom and gloom put about by our colleagues opposite.

I speak now on the need for change. There are currently six different workplace relations systems in Australia and thousands of federal and state awards. I think a figure of 4,000 has been bandied about in this place. This system is a product of a compromise over many years. It creates confusion and costs for all Australian businesses and

employees. Really, in the 21st century, different workplace relations systems seem to make as much sense as different railway gauges did in the 20th century. The current system was designed in the 1900s to solve industrial problems of the 1890s. Quite clearly, we have to move on. We need to have further reforms.

It is interesting that the government's proposed changes really are the next evolutionary step in a process of change from a centralised award system to one based primarily on bargaining at workplace level. The Keating government in 1993 began the process. The Howard government, with its 1996 reforms, continued it, and these are a natural extension of those. I am not going to repeat what one of my colleagues said about Paul Keating's vision for his new system in 1993. Certainly I commend his vision to those opposite. Basically the principles he espoused in his speech to the Institute of Company Directors on 21 April 1993 are the same as those underlying the government's current reforms. Keating, to give credit where credit is due, realised that the IR system was out of date and, like the rest of the economy, needed a major structural modernisation. The job was only half done by his government in 1993, indeed by the Howard government in 1996.

The Labor Party likes to refer to research conducted by Access Economics. Research conducted by Access Economics and released earlier this year estimated that in 2004 the benefits of changes to the workplace relations system over the past decade as a result of the Keating reforms and then the Howard reforms of 1996 were equivalent to $4,200 in additional income per person per year and the equivalent of over $80,000 in wealth per person. Had it not been for reforms to workplace relations, the average unemployment rate in 2004 would have been 8.1 per cent and not 5.8 per cent. We have heard that we are currently enjoying record low unemployment rates and record low interest rates compared with some of the horrendous unemployment rates and interest rates we have seen in the past.

The Access Economics report goes on to estimate that, if the economy could continue to grow at four per cent per annum over the next 20 years, as opposed to 2.4 per cent, the average Australian would be $74,000 better off and the gap between low growth of 2.4 per cent and strong growth of four per cent could be achieved by building on existing reforms, including workplace relation reforms. The Labor Party often trots out figures from Access Economics, and they seem keen to embrace workplace reform.

Labor policy would return Australia to the fairly dark old days of a very rigid one-size-fits-all industrial relations system that would discourage enterprise bargaining and effectively abolish individual Australian workplace agreements. I think that would be a sad step indeed, as would most Australian workers. The ALP's current industrial relations platform imposes on the party a policy that would not only roll back the Howard reforms since 1996, but also would undo the enterprise bargaining reforms implemented by the Keating government in 1993.

Paul Keating's former economics adviser, John Edwards, described this platform as one that had the potential to "reverse Labor's own reforms of 1992-94 and to reintroduce the worst aspects of the old awards system". Access Economics, the ALP's preferred economic consultants, concluded that:

> Such policies are unlikely to deliver on the four goals espoused by the ALP—high growth, high incomes, low unemployment, and a fairer Australia ... The ALP workplace relations policy platform runs the risk of moving Australia further from those goals.

Those figures and statements from bodies that are used by the ALP are very telling indeed. They show that there are considerable inaccuracies in Ms McDonald's motion, and it should be opposed.

These workplace reforms will continue to help ordinary Australians, especially ordinary young Australians moving into the workforce, to get ahead in life. I agree with Mr Corbell that it is a workers' market at present, and it will continue to be. We do have a skills shortage, especially in the trades. There is immense potential for people going into the workforce now to be in that pleasant situation which I think Mr Mulcahy and I referred to that existed 30 or 35 years ago where you could go to an unemployment office and look at a few jobs and have a choice. That is something we did not see in the late seventies, in the eighties and, indeed, for much of the nineties.

I commend the federal government for what they are doing. It is going to help the people who matter most in this. It is the old Aussie battler who will be helped, rather than hindered, by these reforms.

**MS MacDONALD** (Brindabella) (4.30), in reply: For the sake of the people who have put us in this place, it is good to have discussion and debate, and it is always good to be able to knock down spurious arguments from the opposite side. So I thank members for their contributions to the debate today, even if they are wrong.

I am disappointed that I did not hear from more of those opposite. It would have been good to hear the opinion of the leader of the opposition. I have been in this place when the leader of the opposition has declared himself to be the best friend of the CFMEU and proudly worn the CFMEU's lapel badge on his lapel. I am curious to know where his mateship with the CFMEU lies in regard to workplace reform because I am pretty sure—in fact, I am quite positive—that the CFMEU is opposed to these proposed changes.

I will address each of the arguments put forward and address them as best I can. I will go in reverse order. Mr Stefaniak talked about earnings under AWAs being higher than under collective agreements or awards. It is important to look at those people who are actually on Australian workplace agreements. They are, in the main, senior executives. There are very highly paid people in the mining industry. There are a number of people in other highly paid areas that are on what are essentially individual contracts. That has always been the case. If we were to take away the figures that can be attributed to the senior executives, those in the mining industry and those in other highly paid industries who are on individual contracts, then the figures would go down quite significantly.

Mr Stefaniak mentioned Paul Keating's speech in 1993, and I think Mr Seselja also referred to it earlier today. I could be wrong, but I am pretty sure that, in 1993, Mr Keating was speaking about the changes proposed by the then minister for industrial relations, Laurie Brereton. While I did not necessarily agree with some of those changes, there was a need for change. There is no two ways about that. But Laurie Brereton and

Paul Keating were at no stage talking about doing away with all but five of the legislative minimums, and that is what the current federal government is talking about doing.

Mr Corbell made a number of good points. Specifically he talked about unfair dismissal and the disproportionate effect that this would have on the young, women and casual workers. You could go in to work one day and suddenly your employer does not like the colour of your socks and you are out the door for no good reason. Because you are working in a workplace with fewer than 100 employees, you have no redress, unless you want to pay lots of money, lots of dollars to an already wealthy lawyer to take your case to the Federal Court.

Mr Corbell also mentioned the point that the opposition seem to be raising in this debate, that it is about having a job, not about the type of job or the conditions that you get. He said that Labor has never been about that. I could not agree more. That is very much at the heart of this debate, that the current federal government is taking away that basic, underlying principle in Australia of a fair go. It is about—

**Mrs Burke**: How do you know? You have not seen the legislation yet, Karin.

**MS MacDONALD**: Mrs Burke, please do not interrupt me. Mr Deputy Speaker, would you remind Mrs Burke of Standing Order 39.

**MR DEPUTY SPEAKER**: I think Mrs Burke will have taken note of the point.

**MS MacDONALD**: I would rather not waste any more of my time. I thank Dr Foskey for her contribution. She made a couple of very good points. She spoke about women still facing unequal pay and discrimination in the workplace and specifically referred to the issue of childcare. She said that one of her own employees has young children and that those young children often get sick. Dr Foskey provides a flexible workplace but she does not know whether or not others would be as flexible. I could not agree more.

This is not to brag, but I have an employee who has a young child who often gets sick as well. I try to be flexible, and I hope that I am, but most employers out there are not necessarily that flexible.

**Mr Mulcahy**: Rubbish!

**MS MacDONALD**: They are not, Mr Mulcahy, and you cannot argue that they are. It brings to mind the time when I was union organiser when a woman whom I represented was sacked because she was pregnant and could not work long hours. Of course, her unfair dismissal claim was upheld. But that would not happen now, Mr Mulcahy, because she worked in a workplace of fewer than 100 employees. To have an unfair dismissal claim upheld now, she would, firstly, have to prove that she had been discriminated against because of the fact that she was pregnant and could not work the lengthy hours and, secondly, find the $30,000 in order to pay a legal representative to take the matter to the Federal Court. That is a preposterous notion!

I have left the best till last, and that, of course, is Mr Mulcahy. He made a comment about having a go at people's families. I do not believe that actually happened. It is

important for us to keep in mind that if we, as rather privileged members of society, point out that other people do not have it as good as we do, that is not having a go. That is part of the debate. Mr Mulcahy also said that people were not likely to be taken advantage of, that this is not 1929 with masses queuing for employment; the economy is strong. That begs the question: if the economy is so strong, what is the pressing need to actually put through these so-called reforms? There is none. Mr Corbell made the very pertinent point that, although the economy is strong at this particular point, how will this legislation stand up when we have higher unemployment?

There was also a comment made about doom and gloom predictions by Beazley that have not come to pass. That could well be because Mr Peter Reith was not actually successful in getting through all the workplace reforms that he wanted. That is why the doom and gloom situation has not come to pass. But I can tell you, Mr Mulcahy, that it has not been sunshine and happiness for all. The federal government should give all Australians a fair go. I commend this motion to the Assembly.

Motion agreed to.

## People living in poverty

**DR FOSKEY** (Molonglo) (4.40): I move:

That this Assembly, in regard to people living in poverty in the ACT:

(1) recognises:

(a) the link between unemployment, underemployment, and ongoing cycles of poverty;

(b) the growing proportion of the low-skilled workforce at risk of unemployment and underemployment due to the increasing casualisation of the workforce; and

(c) the prohibitively high effective marginal tax rates for social security beneficiaries;

(2) acknowledges their increased vulnerability as a consequence of Federal Government policy to:

(a) extensively reshape employment conditions and arrangements; and

(b) require more social security beneficiaries to re-enter the workforce; and

(3) calls on the ACT Government to:

(a) provide a detailed analysis of employment rates and distribution in the ACT;

(b) investigate a targeted employment creation and support strategy incorporating:

(i) the refocussing of business support programs to those creating entry level employment, such as in areas of community and social services; and

(ii) the establishment of wage subsidy schemes for people in low paid employment, with a particular focus on exempting the wages of low-paid workers from payroll tax; and

(c) report to the Assembly in the first sitting week of March 2006.

I am putting forward this motion today for two reasons: firstly, because it is Anti-Poverty Week and there is a well-deserved emphasis on the state of poverty in our region and, secondly, because the elimination of much of the poverty in the ACT is within our reach if we are prepared to take action.

We are all well aware that Canberra is a fortunate place when it comes to income and education standards, as they are, on average, almost the highest for any Australian state or territory. But, although our average Canberran is much better off than elsewhere, there is still a substantial number of ACT residents living in poverty, and the federal government plans substantial changes that may well keep them trapped in the poverty cycle.

My motion recognises those in our region who are living in poverty and seeks to support them in practical ways. The motion recognises the link between employment and poverty, and the difficulties that low-income or low-skilled workers face when engaging with our work environment. The motion also calls on the government to investigate methods of improving its support for low-income and low-skilled workers. Please note that, while I understand that poverty can be linked with many factors beyond employment, I am focusing on employment today as I believe that there is a gap in the debate in the ACT about what can be done within this portfolio by the ACT government to assist our residents.

How many ACT residents are living in poverty? First, I would like to outline the nature of poverty in the ACT. Again a caveat: poverty statistics vary along with the measurements and who does the measuring. According to the National Centre for Social and Economic Modelling, in 2005 the ACT has the lowest poverty rate in Australia at 6.5 per cent. Patrick Stakelum, ACT demographer for the Chief Minister's Department, estimates that 8.6 per cent live in poverty.

Bishop Pat Power said on Monday at the launch of Anti-Poverty Week that approximately one in 12 people in the ACT live in poverty, equating to around 25,000 people. However, in all states including the ACT there are proportionately more children than adults living in poverty. This is because households deemed to be living in poverty tend to have more children living in them than adults. Having children tends to cost quite a bit of money.

What link is there between poverty and employment? The most obvious link between employment and poverty is unemployment, as it is well established that the best defence against poverty in today's world is a full-time job. Once, it was access to land and peasants who worked for you for nothing. In many other countries today it is the number of children and supporting relatives. But in this country at this time it is a full-time job. Other factors can be linked to a person's lack of income that provides an adequate

standard of living, like underemployment, a low level of skills, and limited ability to negotiate an adequate wage and benefits. That is what we were just talking about.

A key part of this discussion is the role of underemployment. There were huge changes in the labour market in the 1980s and 1990s and the substantial shift to part-time work and casualisation is not reflected in the main measures of labour market performance. So, while our unemployment rate may be at its lowest for the last 25 years, the number of men in particular employed on a full-time basis is steadily falling. In 1985, around 90 per cent of males held a full-time job. Today, this is only around 70 per cent. Many of those who have dropped out of the labour force have moved onto income support, including the rapidly growing disability support pension.

When you look at the figures for working men and women combined, only about 60 per cent have a full-time job. I am not trying to comment about either gender's ability to work, but the falling figures for male full-time work indicate a real problem when you think of who is expected to bring home the bacon in many households. This problem becomes even worse when you look at low-skilled male workers. The statistics show that of ACT males with a university degree 80 per cent are employed full time; but of ACT males with a year 10 qualification only 50 per cent are employed full time. The pattern applies to women also, at a rate of 60 per cent compared to 30 per cent. Therefore, one could deduce that the biggest challenge for the ACT government in reducing poverty is to support or promote the employment of low-skilled workers. As a community, the ACT is capable of addressing this problem and, given that it is the richest jurisdiction in the country, I believe that we have an obligation to do so.

What effect does poverty have on children? Another important link between poverty and employment is the effect that parents' work practices have on their children. Considerable research indicates that, overall, children do better in households where there is at least one parent in the labour force. Even apart from the extra income that comes from parental employment, the experience of growing up in an environment where parents prepare for work every day is thought to prepare children for the world of work themselves. Yet in the ACT today—and this is a significant statistic—one in six children lives in a household where no adult has a job of any type, and nearly one in four lives in a household where no adult has a full-time job. Intergenerational unemployment is a strong risk for kids in that situation.

So what are the expected future problems between poverty and employment? Now the federal government's industrial relations reform, which it has labelled, quite humorously, WorkChoices, and its welfare to work program, perhaps to be labelled "LifeHelp"—God help me—will make it more difficult for those living in poverty to engage in the work force. The welfare to work program will push more low-skilled workers into the work force, while changes in industrial relations will make it more difficult for low-skilled workers to bargain for appropriate income and benefits. On top of that, people on a low income entering the work force confront high effective marginal tax rates of around 60 per cent, meaning that a person who earns an additional $1 often loses 60c of benefits and so is only 40c better off. Clearly, this is not an incentive to move from welfare status to low-paid work. No wonder the government is making it compulsory. The Greens prefer carrots to sticks, and that is where the ACT government may come in.

What can the ACT government do about poverty? The ACT Greens recognise the primacy of the federal government over the ACT government in the taxation, industrial relations and welfare systems. But we also recognise that the ACT government can consider progressive or more effective ways of using the spending and taxing methods within its control. In order to improve the effectiveness of government funding allocated to portfolios involving poverty, I propose that the government reconsider the way it measures poverty and employment in the ACT. The ACT Greens believe that governments, media and business sectors focus too much on the highly artificial and manipulated unemployment rate, which excludes underemployment, the disenfranchised and committed volunteers. Much more useful figures could include the distribution of workers per income and per work hours and the number of residents receiving welfare benefits, as well as poverty rates. Most of these figures are available through the Australian Bureau of Statistics and should be recognised and used on a regular basis to measure the state of our citizens' income and employment. I trust that the government will use this debate as a trigger to conduct an investigation into such indicators, so that it can better measure the effectiveness of its policies.

On the subject of spending, a common theme amongst the government's media releases is the support it provides to local business and the development of our information technology industry. While I am generally supportive of such programs, I suspect that government spending on these areas does little for low-skilled and/or low-income workers. Anecdotal evidence indicates that unemployed, skilled Canberrans often move out of the area if they are unemployed, as Canberra is an expensive place to live, leaving a core of low-skilled unemployed who have particular problems that will not be resolved by providing incentives to high-end employers in the IT industries.

The government may also argue that by improving our business sector the net effects will trickle down. But research shows that the trickle-down effect is selective about where it trickles, as companies' profits stay with company owners and shareholders and not the workers in the company. My motion, therefore, calls on the government to investigate the distribution of its funds to business support versus employment creation. Such an investigation should analyse the effectiveness of government spending and methods of supporting employment creation. One method of supporting employment creation has previously been raised by ACTCOSS, which suggested that the government can support community service organisations and low-skilled workers at the same time by assisting in their employment costs.

The community services sector makes a major contribution to the ACT economy in several ways. First, it is a major and growing employer in the ACT. It makes up around four per cent of the ACT labour market, a larger proportion than the manufacturing, wholesale trade, electricity, gas and water supply, transport and storage, communications services, or finance and insurance sectors. Industry outlooks also suggest that growth in the community services sector will continue to be strong. There is never a shortage of work in the community sector, just a shortage of resources to do it all.

Second, flow-on benefits from community services expenditure has broader and more substantial benefits in spending in almost every other industry area. A dollar spent helping someone find accommodation has a larger flow-on effect in the economy, adding more value and creating more jobs, than a dollar spent on forestry, for instance. Third,

community services play an important role in preventing and reducing unemployment. They assist people to manage difficult transitions that might otherwise result in long-term unemployment. They also facilitate people's access to other services and resources that they need to overcome labour market disadvantage, for example, childcare facilitating education; they overcome access barriers, for example, for people with a disability; and they combat discouragement. In doing so, community services facilitate and support participation in the labour market, enable economic independence and minimise the social and economic costs of unemployment. Finally, the community services work force provides diverse ACT employment opportunities.

As for taxes, there is an opportunity in the ACT to roll back to some degree high effective marginal tax rates, enticing people to enter the work force. One method by which the ACT could do this is via the payroll tax. The current system sets a rate of 6.85 per cent, with businesses exempt if they have a payroll below $1.25 million a year. So a boutique consultancy probably does not pay payroll tax when it takes on a $200,000 consultant, but a big company like McDonalds pays payroll tax for every minimum wage worker it hires. This motion calls on the government to investigate ways of making the payroll tax more progressive and to report to the Assembly by March next year. Such an investigation can create some debate about ways that the government can redirect its taxes to enhance positive social externalities rather than prevent them.

In closing, I would like to welcome the debate about how we can improve the lives of those ACT residents living on low incomes or working with a low level of skills. While the ACT Labor government rightfully protests the changes being made to the labour market at a federal level, it does have a responsibility to ensure that its residents do not live in poverty.

**MRS DUNNE** (Ginninderra) (4.55): This is a very important issue. Poverty is something that we as legislators should be most concerned about. As we are involved in serving our community, we should spend a considerable effort in serving those least able to serve themselves. However, I suppose there is always going to be something that might be likened to an ideological divide in this place when we talk about poverty.

I welcome Dr Foskey's motion, but I think that first and foremost we must be aware of the fact of just how limited the scope of government is in this, as in many other public policy issues. Often governments involve themselves in public policy issues, often with the best intentions, but the dead hand of government usually militates against the improvement of policy rather than in favour of it.

Towards the end of her speech Dr Foskey talked about a review of the payroll tax system to ensure that it is more progressive. When we talk about progressive payroll taxes, people think that it means that it is better because it is progressive, and they use the other term "regressive". But progressive means that the government progressively takes more and more money from the hands of the people who earn it and from businesses. The important message that the Liberal opposition would like to give today is that the most important thing that we can do to address poverty is to ensure employment.

Employment is the greatest antidote to poverty that we in the ACT can provide, and the alleviation of poverty through employment is first and foremost generated by economic growth, not redistribution. We know that growth depends on the quality of the economic

institutions, property rights, free markets, the rule of law and rule-bound, limited government, and these are things that we need to keep in mind when we are talking about poverty.

The best thing that we can do about poverty is to provide people with jobs. There are still many disincentives for people to enter the work force and it is incumbent upon us all to address them. Effective marginal tax rates pose a number of disincentives to people on unemployment benefits and disability benefits in entering the work force, and these are issues that must be addressed. These are substantially issues for the commonwealth government, and I welcome the debate in the Liberal Party federally on the issue of tax relief and effective marginal tax rates on people who enter the work force. I think these are the most important things we can do.

Member in this place cannot possibly support a progressive expansion of the payroll tax system, although Dr Foskey did make an interesting point: large organisations like McDonalds, for instance, pay payroll tax when they employ low-paid people, but small institutions may have highly-paid people but they do not pay payroll tax. I think that it might be considered an anomaly, but I think it is an anomaly that we will have to live with, because in the long run it is the aim of the Liberal Party to substantially cut our dependence upon payroll tax, because payroll tax is a tax against employment and without employment we will have no chance of alleviating poverty.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.00): It was my pleasure this morning to open a poverty-proofing forum at Pilgrim House, which was organised as part of Anti-Poverty Week. I make this point because, while we are talking about employment and its relationship to poverty, I think it is important that we put on the record some of the other things that are happening to address poverty.

Poverty is an insidious thing, and tackling the causes of poverty and social exclusion is a significant challenge for any government. In Canberra, many of us enjoy a quality of life that is equal to the best in Australia. It is easy to forget that not everyone shares in that high quality. Despite the fact that unemployment in the ACT at 2.9 per cent is at its lowest in three decades, there are still individuals and families who are vulnerable and disadvantaged. Dr Foskey touched on this in her speech and I congratulate her for putting that stance on the table. For the sake of argument, let us say that our unemployment rate is three per cent. But how many of those three per cent are long-term unemployed? How many of those people see no hope of ever getting themselves out of the poverty trap?

I am sure we would all agree that one measure of a society's compassion and general wellbeing is the way it looks after and cares for its most vulnerable people. The Stanhope government's Canberra social plan, released in early 2004, was a significant step forward in planning ways to address issues of poverty. It was finalised after extensive consultations and sets a new policy framework for partnership with the community in addressing disadvantage and social exclusion.

As part of the implementation of the social plan, the government established the Community Inclusion Board, headed by noted social commentator and researcher Hugh Mackay, to provide additional advice on strategies to deal with the causes of poverty. In

fact, the poverty-proofing forum at Pilgrim House today was under the auspices of the Community Inclusion Board.

The board has an ambitious work program around issues such as household and personal debt, neighbourhood and belonging, indigenous disadvantage and long-term unemployment. One of the responsibilities of the board outlined in the social plan is to advise on and monitor a poverty-proofing trial based on the Irish model and other experiences. It is important to know that halfway through a program, a process, a strategy—call it what you will—it will be monitored. It is a fine idea to stop halfway and work out whether what you are doing is working or whether, in fact, it is doing more harm than good. For some individuals, that can be the case. As is said, the road to hell is paved with good intentions, and we need to stop sometimes and have a bit of a look.

It is hoped that the trial will provide a framework for assessing ACT government policies and programs at design and review stages to ensure that government decisions do not act to increase the levels or causes of poverty. It is pleasing to see that the board has already made considerable progress in investigating the complicated and difficult questions in relation to poverty proofing.

The Community Inclusion Board has not only discussed, at a number of meetings, how the poverty-proofing trial should be approached but it also held an earlier consultation workshop in April 2005 with interested representatives from the community sector. To assist in its work on the poverty-proofing trial earlier this year, the board commissioned a consultant, David Pearce, from the Centre for International Economics, to review poverty-proofing processes elsewhere in the world, particularly in relation to the Irish model, and, using this as a basis, to also assist in defining poverty and developing a practical process for poverty proofing. Mr Pearce has provided a report to the Community Inclusion Board which analyses existing poverty-proofing measures around the world, the merits of each approach, and options for the ACT. It provides background information to inform the poverty-proofing trial.

I am pleased to confirm today that the government will implement a poverty-proofing trial, using the Irish model, as part of its mid-point evaluation of *Breaking the cycle of homelessness*, the ACT homelessness strategy. There are obvious links between homelessness and poverty, and the homelessness strategy sets out a four-year blueprint to respond to the causes and effects of both. That is why the midpoint evaluation of the homelessness strategy is an ideal time to run a poverty-proofing test. It will allow us to recognise now if the directions we are taking in responding to homelessness are the right directions. To find out in 2007, at the end of the strategy cycle, would be too late to make any adjustments to the direction of the strategy.

I am sure we have the support of the opposition for our idea to stop halfway on this particular initiative and work out whether we are doing it right, to make sure that we have not caused cracks to widen, through which people could fall. This poverty-proofing trial will, I am sure, let us know whether or not we are heading in the right direction, whether we need to change direction just a little bit or a lot, or whether what we are doing is causing people more grief and more poverty and therefore we have to stop doing it. Now is the perfect time, midway through it, to stop and audit ourselves. And we are getting the community to do that; we are not doing that ourselves. We got the meeting of community people together today to assist in that process.

The poverty-proofing initiative is one of a range of the government's key commitments in the social plan to help achieve a place where all people reach their potential, make a contribution and share the benefits of our community. And Anti-Poverty Week is a reminder to all in the ACT community that not everyone shares equally in the benefits that living in Canberra brings. Poverty proofing the ACT government's policies and programs is another step towards strengthening our community and will bring greater opportunities for us all.

We applaud the motives behind this motion and we thank you, Dr Foskey, very much for raising the issue in this particular week. We need to understand that poverty is a multiheaded monster; you cut one off and another one will grow back. We need to have a holistic approach to this, and I am grateful to Dr Foskey for bringing forward one of the areas of poverty that seems to be the greatest mountain for people to climb. We need to have some compassion about that. I do not purport to have the answers, but we do need to understand that there is a range of things that cause and perpetuate poverty. We need to remember too that houselessness is not homelessness; you can have people who are homeless in their own homes; you can have people who are poor in a rich suburb. We need to make sure that none of that goes on. We need to lift up the lowest common denominator so that everyone has a life of high quality.

The government will be supporting Dr Foskey's motion and I wish to express our appreciation for the sentiment expressed and her commitment to it. I would also like to express our appreciation to Bishop Pat Power for his role in the forum today at Pilgrim House, and to Kerrie Tucker for her leadership in it. We are ably led by those two people in attacking poverty in this town.

**MRS BURKE** (Molonglo) (5.09): It is interesting, yet I suppose not surprising, that the Greens have taken this approach to discussing poverty this week, when we have seen the launch of Anti-Poverty Week. I was initially pleased to hear that Dr Foskey wanted a debate around poverty—which is becoming a yawn in this place—but, sadly, of all the motions debated in this place today none has done anything for the people of the ACT. Indeed, all we have had is conjecture, crystal ball-gazing into the future, scaremongering, doom and gloom and any other cliché you can think of.

I would like to firstly address the particular focus of Dr Foskey's motion, which deals with employment rates and distribution in the ACT. Firstly, it is almost a given fact that the ACT has one of the lowest—if not the lowest—unemployment rates in the country and the highest disposable incomes. Of course, the government proudly parades and takes credit for these statistics. That information is taken from page 20 of the recent Canberra social plan figures. I believe employment is a cornerstone in aiding not only an individual but also a community in poverty reduction. There may be some disparities but there is a fairly even distribution of income across households in the ACT. That is not to say we do not have a problem that has to be addressed. One in 13 adults and one in nine children living in poverty in the ACT is not a figure desirable to be faced with.

If we were to profile a person living in financial hardship, it would come as no surprise that that person is likely to be young, in receipt of government benefits, living in public housing, in a lone parent household or unemployed. Again that comes from the Canberra social plan. We really need to ask ourselves, as I have done: how do we define and

measure poverty? It has been quite difficult. In fact, in 2004 a Senate Community Affairs References Committee grappled with this very issue. Submissions and evidence provided showed that poverty can be broadly defined in absolute or relative terms. One key thing that stood out to me was that absolute poverty refers to people who lack the most basic of life's requirements and is measured by estimating the number of individuals or families who cannot provide the necessities of life such as housing, food or clothing. I will talk about those few things in a moment.

Dr Foskey is indeed right to question in the motion the need for a refocus by both government and non-government organisations, to concentrate their efforts on lifting the prospects of real job creation, particularly for young people looking for entry level positions in the community and social service sectors. I certainly stand by and agree with Dr Foskey. I believe this to be an amiable and not unreasonable request of government.

Of interest to me, however, is another point that perhaps should have been addressed as the primary focus of this motion, even before attempting to address levels of unemployment—or indeed underemployment. Of course I refer to the basic human right of shelter. I am moderately surprised that no mention has been made as to how an individual's housing situation will determine their social and economic position within society. I understand that, on Dr Foskey's own admission, she is extremely compromised in this place by standing up and talking about housing issues. I now see why she steered clear of that in her motion.

Dr Foskey's motion refers to ongoing cycles of poverty. These are difficult cycles to break unless, at the basic minimum, a person has a roof over his or her head. Equality in relation to access of services in the ACT, such as social housing and essential services, both public and private, are at the heart of how we, as a fairly prosperous and self-reliant community, can work through the issue of tackling poverty. This government purports to place a heightened value on social justice and protecting the rights of the less fortunate. The Canberra social plan is a good example of this apparent commitment but it appears that little focus is being centred on the matter.

We saw the launch of poverty week this week, with many of the people in this room present. Five years ago the then Liberal government put money into the budget and established the poverty task force. To be fair, there has been a lot of tinkering around the edges; there have been some nice glossy brochures and good plans, and some public servants who have worked extremely hard, but we have seen little action on the ministerial ranks of the government side to really commit to the good work of these public servants by pumping money or resources—and it is not always all about money—where needed.

This is about the minister supporting his good public servants in doing their jobs. The Canberra social plan is a good example of this apparent commitment but, in reality, it appears that little real focus is being centred on the matter. Much more can be achieved with a real focus on and priority around social services. Taking on the problem of poverty is not necessarily about focusing primarily on equality. The issue of social inclusion has far greater merits in a society where all people are provided with avenues to pursue their potential in their personal, work or social lives. It is about removing barriers that will allow individuals to truly have the opportunity to better themselves. I draw members' attention to the United Nations General Assembly eradication of

poverty report of the secretary general entitled *The centrality of employment to poverty eradication*. In section IV on page 12, at item 40 it says:

> There is a multifaceted and intricate link between economic, social and political development, human rights and security. Humanity cannot enjoy one in the absence of the other. They are mutually reinforcing and the presence of one enhances the others, thus creating a virtuous cycle of development, security and human rights. Equally, the absence of one poses a serious threat to the others.

I believe it is about removing barriers that will allow individuals to truly have the opportunity to better themselves in all of the areas I have just referred to. There should be real concern about unequal social relations, based on marginalisation, exploitation and exclusion surrounding economic grounds. I put it to members that inequality and exclusion in social relations is of more fundamental concern. If we look at the status of people who are faced with living in poverty, could it be that it is due to some fundamental right such as housing not being afforded to them? Again, I find it quite dismaying that Dr Foskey did not even touch on the basic and fundamental human right of shelter with regard to this. As I have said, I understand it is quite difficult for Dr Foskey to talk on this matter, given her ongoing belief that she has a right to remain in public housing.

We also have the issue of a convicted criminal remaining a public housing tenant. How can we stand in this place, and talk about integrity and stand with credibility to debate issues if we do not set the standard? The government wants the lowest common denominator all the time. They are good at putting out plans; they are good about rhetoric; they are good about the gloss and they are good about standing up there but they are letting their public servants down—people with great ideas who are never heard because somebody above them, like the minister and others, decides, "No, we will not do it that way, we are going to do it this way." All we have are brochures that gather dust. How many thousands of dollars have we spent on the plans we have? That has been said in this place ad nauseam.

I understand that Dr Foskey wants to bash up the federal government again but, sadly, this does little or nothing today for the people of the ACT. It is conjecture, conjecture, conjecture. Nobody has seen the legislation. All the government wants to do is follow what seem to be template politics around the countryside. But it seems that the ACT has decided to take it a few steps further and have all these silly motions on something we do not know the detail of. How ludicrous; how absurd—and what a waste of time for the ACT taxpayer. It is disgraceful.

**MR STANHOPE** (Ginninderra—Chief minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.19): The government will support Dr Foskey's motion. I am happy to give some background on the reasons for that. The government supports the eradication of poverty as a worthy goal and indeed has committed itself publicly to addressing poverty in a number of ways, which I will outline.

This notice of motion follows the United Nations International Day for the Eradication of Poverty, held on Monday, 17 October. This day has evolved into an entire week of antipoverty-related activities here in Australia. In the ACT the organisers—Bishop Pat Power, who chaired the ACT poverty task force, and Ms Kerrie Tucker—have done a

marvellous job of getting together a number of events. The week was launched on Monday by Sir William Dean, former Governor General of Australia, and Julie Tongs of the Winnunga Nimmitjah Aboriginal Health Service, and was attended by a number of Assembly members.

The day is part of the United Nations Millennium Declaration and the millennium development goals adopted by 189 heads of state and government in 2000. That represents a partnership between rich and poor countries to fight extreme poverty and achieve concrete measurable improvements in the lives of millions of men, women and children across the world. The government supports both the millennium declaration and the millennium development goals and their ambitious targets, and has set its own ambitious targets as part of the Canberra social plan. The targets are as follows:

- reduce long-term unemployment: the government's target is to reduce the level of long-term unemployment to 12.5 per cent of total unemployment by 2013;
- decrease income inequality: the government aims to decrease income inequality, as measured by the Gini coefficient, to average at most a figure of 0.25 over the decade to 2013;
- reduce homelessness: the government has undertaken to reduce primary homelessness to as close to zero as possible by 2013;
- increase year 12 completion: the government's target is to increase to 95 per cent the proportion of 19-year-olds with a year 12 certificate or equivalent by 2013; and
- increase the proportion of adults with post-school qualifications, the target being to increase to 70 per cent the proportion of 25 to 64-year-olds with post-school qualifications.

Tackling the causes of poverty and social exclusion is a significant challenge for any government, but we are not afraid to tackle them. In Canberra—a place where people enjoy a quality of life that is equal to the best in Australia—it is easy to forget that not everyone shares in the good life. Despite the fact that unemployment in the ACT, at 2.9 per cent, is at its lowest in decades, if not the lowest ever, there are still vulnerable individuals and families suffering disadvantage. I am sure we all agree that one measure of a society's compassion and general wellbeing is the way it cares for vulnerable people.

The release of the Canberra social plan by the ACT government in 2004 was a significant step forward in planning ways of addressing issues of poverty. The total commitment in the 2005-06 budget by this government to social plan initiatives amounts to $110 million over the next four years, with $79 million in capital works. The seven priorities and 64 actions in the social plan are aimed at addressing key social justice issues. A progress report on the social plan was released in August 2005. This highlights the level of achievement across many of the priorities and actions in the plan, including the opening of the Gungahlin child and family centre and the provision of energy concessions to over 26,000 households.

The community inclusion board was established in 2004 to provide additional advice and strategies for dealing with the causes of poverty. The board also includes a number of well-qualified non-government members. The community inclusion fund is one of the

flagship commitments in the Canberra social plan, and is designed to support government and non-government agencies to progressively change service delivery to improve social outcomes for individuals, families and communities experiencing disadvantage and social exclusion. Fifteen extremely worthwhile projects were funded in the 2004 round of the community inclusion fund, and applications for the 2005 round have recently closed.

It is very pleasing that one of the key targets in the Canberra social plan has already been achieved, well ahead of its target date. One of the key targets in the Canberra social plan was to reduce the level of long-term unemployment to 12.5 per cent of total unemployment by 2013. It is very pleasing that in 2003-04 long-term unemployment in the ACT accounted for about 10 per cent of total unemployment. The long-term unemployed, according to the Australian Bureau of Statistics, are those people who have been looking for work for more than a year. In 2002-03 there were about 1,300 people who it was considered would fit the definition of long-term unemployed, or 17 per cent of the total number of unemployed people.

In 2003-04 the number of long-term unemployed people in the ACT had fallen to just on 700. Long-term unemployment as a proportion of total unemployment has been declining over the past three years, due to the strong economic growth of Canberra. The personal and social costs of long-term unemployment are significant. Employment provides people with a sense of identity, participation, and order in daily life. The longer a person is unemployed the fewer chances they will have of escaping from that situation. There is a danger that some children will grow up in families and neighbourhoods which have little contact with the world of paid work, detached from the opportunities and aspirations that most people take for granted.

As we have heard today, recent decisions by the federal government regarding welfare, disability support pensions and the WorkChoices agenda are likely to have the opposite effect and actually increase unemployment. They will certainly increase underemployment and create a new class of working poor. The government will continue to oppose these changes and work towards reducing the number of people either experiencing long-term unemployment or at risk of long-term unemployment. The community inclusion board is playing a very important role and will continue to provide advice to the government on approaches to improving social and economic outcomes for those who feel marginalised in the labour market.

In March this year the ACT government commenced an innovative project to help low-income people in Canberra break free from the vicious cycle of consumer debt. Analysis of ABS information by the government has revealed the extent of consumer debt affecting the community. There are 13,000 low-income people in Canberra currently experiencing severe financial stress as a result of unmanageable levels of consumer debt in their lives. And there are about 20,000 low-income households who although not currently experiencing financial stress may do so if interest rates rise, their employment opportunities contract, or their personal circumstances change due to relationship break-ups or ill health. Unmanageable levels of consumer debt are a heavy burden on people's lives and have a myriad of consequences affecting family relationships, employment, health and participation in the community. The pilot project commenced in March and the government looks forward to a comprehensive evaluation of the impact of the project when it concludes next year.

Another of the responsibilities of the community inclusion board is to advise on and monitor a poverty-proofing trial based on the Irish model and other experiences. The aim of the trial is to provide a framework for assessing ACT government policies and programs at design and review stages to ensure that government decisions do not act to increase the levels or causes of poverty. As part of the trial, it is important that we recognise that measures and definitions of poverty do not concentrate only on economic aspects. The government's sustainability policy—people, place and prosperity—recognises the need to invest in our social capital to achieve future prosperity for all Canberrans. It acknowledges the connection between economic, social and environmental aspects of wellbeing.

That report also suggests a number of definitions and measurements that can be adopted and applied to allow the effective and practical implementation of poverty proofing in the ACT. I am happy that the government is to implement a poverty-proofing trial using the Irish model as part of its midpoint evaluation of breaking the cycle—the ACT homelessness strategy. There are obvious links between homelessness and poverty, and the homelessness strategy sets out a four-year blueprint to respond to the causes and effects of both. That is why the midpoint evaluation of the homelessness strategy is an ideal time to run a poverty-proofing test. It will allow us to recognise now if the directions we are taking in responding to homelessness are inadvertently having the opposite impact and contributing to poverty and homelessness.

In concluding this description of some of the initiatives the ACT government has taken to respond to poverty and some of the causes and effects of it, and particularly the importance of meaningful paid employment as a response to people living in poverty, I reiterate that the government will support the motion Dr Foskey has moved today. The motion asks us to note in relation to people living in poverty in the ACT the links between unemployment, underemployment and ongoing cycles of poverty.

In responding to that the government acknowledges the increased vulnerability as a result of federal government policy. We have debated that fairly extensively in the past two days. I think we need to continue to do that over the rest of this year, and indeed in years to come. It calls on the government to provide an analysis of employment rates. We are more than happy to do that. It asks us to investigate a targeted employment creation and support strategy focusing on business support and wage subsidy schemes. We are happy to do that work and report back to the Assembly. We will do that of course without, at this stage, making any commitments.

**DR FOSKEY**: (Molonglo) (5.29), in reply: I am delighted that at least we will have a bipartisan approach to this issue, and I am very sorry it is not a tripartisan approach. Let me start by addressing some of the issues raised by members of the Liberal Party. I thank them for giving their perspectives. I recognise that they acknowledge that poverty is an important issue, as was said by both Mrs Dunne and Mrs Burke. I guess that ideological divide is one they refuse to cross, and I think that is an extreme limitation in tackling this issue.

We have seen what the approach espoused by Mrs Dunne—free market, rule of law and limited government in terms of taking control of the economy—has done for many countries. Australia is lucky—it is on the receiving end of a lot of the benefits of a global

economic system based on free markets. The trickle-down or prime development approach, which the Australian government has moved away from at various times through its development assistance programs but is definitely firmly there now, has not brought benefits to vast numbers of people in the world. I do not know how people can keep reiterating these principles without backing them up. They cannot be backed up. It is not enough to just utter these words like some sort of ritual slogan; the fact is that it does not work. Governments have a reason for existing; they were invented by people for the precise reason of organising society to improve conditions for everybody.

With regard to Mrs Dunne's comments about payroll tax, perhaps she does not understand that the burden of this tax is passed on to the worker. You do not see companies bearing the burden of this, of it cutting into their profits, as in the case especially of low wage earners who have no choice but to accept a job even when the wages are not enough. We need to be very careful about that.

**Mrs Dunne**: I would be very careful, if I were you!

**DR FOSKEY**: This is part of the problem: you do not listen. Perhaps you read the debates later on; I do not know. I have found a number of times that you just do not hear the things people say. I do not think it is a particularly good way of operating. Mrs Dunne said that employment is the antidote to poverty. The whole point of this discussion is how to get people into employment. The best thing is to provide people with jobs—I cannot argue with that—and marginal tax rates must be addressed. That is the single most important thing the federal government can do. It is good to hear that acknowledgment from the Liberal Party here but it is a pity it cannot use its influence with the federal government to make sure marginal tax rates are addressed. Instead of forcing people out of welfare with penalties, we could entice them out by reducing marginal tax rates. I am sorry to hear that we will have to live with the McDonald's anomaly. I guess that is one of the reasons why nothing changes.

Mr Hargreaves made a number of points about how the ACT government is moving to address poverty. We heard quite a bit about the social plan, the community inclusion board and poverty proofing. I am really pleased to hear about the poverty-proofing report. I hope that arrives in my office quite soon. I am sure the Liberal Party are also interested in seeing it, because they are very concerned about poverty.

One of the problems with the Irish model of poverty proofing, which has been quoted today, is that they do their poverty proofing after the budget is decided, not before. The Greens would like some reassurance that the ACT government will conduct the poverty-proofing process before the budget is decided, rather than afterwards. We would like to make sure we have a date for the community inclusion board to look at our motion. I have not heard whether it is realistic that the community inclusion board work to the date set in the motion of March 2006. We need reassurance that they will either work to that date or set another date, so we know when to look forward to that. Finally, to address Mrs Burke's comments, it would be really good if Mrs Burke could get over the fact that I am in a government house.

**Mrs Burke**: Ask the people who call my office to get over it. It is unfortunate.

**MR SPEAKER**: Order, Mrs Burke!

**DR FOSKEY**: It seems to be something she cannot get off. As to why I did not address housing, you may not have noticed but I was really galloping towards the end, and had to cut out quite a bit of it. We will be talking about the response to the government's progress report on the affordable housing strategy tomorrow, so no doubt we will be talking a lot about it. I feel as though I am always talking about it and coming up with ideas. I feel quite qualified to talk about housing in relation to poverty. We have had that argument here before. I do not plan to haul Mrs Burke over the coals about that because there are probably a number of issues we could raise.

Of course one of the problems of living in Canberra is the high cost of housing. I think we all know that now. Do we have to keep saying the same thing over and over? The whole point of this motion was to move the debate on to something we could do. It recognises the federal climate in which the ACT government operates; it recognises that state and territory governments can play a major role and that in fact they are going to have to play a major role. The problem is that, because of their function of providing education and health and being part of the provision of housing, they are going to have to pick up a lot of the pieces that are caused by federal government policy. It is a real pity that the states and territories do not have the support of the federal government with regard to funding for social and other housing.

Let us look again at the motion the Assembly has agreed to. I am sorry the Liberal Party does not see a way to agree with any part of this motion. From some of the things people have said, I thought they could have agreed with some bits of it. For instance, do you recognise the link between unemployment, underemployment and ongoing cycles of poverty? You have indicated that you do not. Do you recognise that the growing proportion of the low-skilled work force is at risk of unemployment and underemployment due to the increase in casualisation of the work force? You probably do not want to admit that one.

Do you recognise the prohibitively high effective marginal tax rates for social security beneficiaries? We recognise that one. Do you acknowledge the increased vulnerability of people living in poverty as a consequence of federal government policy? No. You have indicated that you could not possibly say that, even if that is secretly the case. Do you not think it is a good idea for the ACT government to provide a detailed analysis of employment rates and distribution in the ACT; to investigate a targeted employment creation and support strategy? You say employment is the answer. Is it not important to refocus business support programs to those creating entry level employment? And do you not think that the community and social services are doing very valuable work, especially in relation to the poor and that, if we did not have them, we would have a lot more people living in poverty in the ACT?

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

Motion agreed to.

## Sub judice convention

**MR STEFANIAK** (Ginninderra) (5.39): I move:

> That this Assembly adopt the following practice when debating matters before a court:
>
> (1) the Assembly reinforces the basic principle that debate should be avoided which could involve a substantial danger of prejudice to proceedings before a court, unless the Assembly considers that there is an overriding requirement for the Assembly to discuss a matter of public interest;
>
> (2) debate shall be allowed in the Assembly on any matter before the courts unless it can be demonstrated by a Member of the Assembly that such debate will lead to a clear and substantial danger of prejudice in the courts' proceedings;
>
> (3) unless the matter before the Assembly could cause real prejudice to a trial or court hearing in the sense of either creating an atmosphere where a jury would be unable to deal fairly with the evidence put before it, or would somehow perhaps affect a future witness in the giving of evidence, whether for the prosecution or the defence, then the matter for debate or questioning before the Assembly should be allowed;
>
> (4) sub judice only applies to matters which are awaiting or under adjudication in a court; and
>
> (5) this resolution have effect from the date it is passed by the Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.

The term "sub judice" comes from the Latin. The words mean "under the judge". Sub judice is a convention that has evolved in the Westminster parliamentary system to reconcile two fundamental rights—the right to a fair trial and the right to free speech. As one report by the Select Committee on Privileges of the Queensland parliament in 1976 on sub judice put it:

> Parliament should be the supreme inquest of the State, whilst not poisoning the wells of justice before they have begun to flow.

To understand the convention of sub judice, we need to go back to the mother of parliaments, the Westminster model, the House of Commons in England, where, in 1688, the right of members of parliament to speak freely was enshrined in this way:

> The freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

E Campbell, writing in his book *Parliamentary privilege in Australia*, published in 1966, noted that this parliamentary privilege of freedom of speech, enshrined in—wait for it—the bill of rights which came in with William and Mary of Orange in 1688 is—

**Mrs Dunne**: It is still on the statute books.

**MR STEFANIAK**: You are right, Mrs Dunne. I quote:

> … one of the most cherished of all parliamentary privileges, without which parliaments probably would degenerate into polite but ineffectual debating societies.

So privilege protects members of parliament from legal prosecution for statements that could be said to be defamatory or a contempt of court under the common law.

It is not clear how the convention of self-restriction through the principle of sub judice came about, but it seems that the convention may have applied to criminal cases before 1844. What is known is that in 1844 the Speaker of the House of Commons in the UK first made a ruling, and that remained the status quo until 1963, when a resolution in the House of Commons codified the issue for the first time. Commentators think that the expansion of the intensity, immediacy and reach of the media has been responsible for the extension of the sub judice convention to civil actions.

The purpose of the sub judice convention is held to be twofold: firstly, similar to common law sub judice, which operates for the media and for the public, the idea is that there is a need to prevent comment and debate by parliament from exerting an influence on juries and from prejudicing the position of parties and witnesses in court proceedings. I refer to *House of Representatives Practice* there. Secondly, the convention is to prevent parliamentary debate on matters that are sub judice so that a house of parliament is not set up as an alternative judicial forum to a court, which would lead to conflict between that house and the court.

This is not supposed to have been relevant to Australian practice; so in the Australian context sub judice has been about protecting matters from prejudice in the courts. The interesting thing about the convention of sub judice that differentiates it from common law sub judice is that it is imposed voluntarily by parliament on itself and exercised at the discretion of the chair to forestall prejudice of proceedings in the courts, whereas the courts can only protect themselves from prejudicial comment after the fact by punishing them for contempt. As Vicki Mullen points out in her interesting article in the *University of New South Wales Law Journal* on sub judice and the media, the key difference is that the application of the convention is always subject to the discretion of the chair and to the right of the house to legislate on any matter.

The parliaments of Australia follow the practice of the House of Commons. Everything one reads on sub judice makes it clear that the matter is all about a balancing act between maintaining robust, free parliamentary debate and not prejudicing matters before the court. The role of the Speaker in the Victorian parliament is summarised in the 1979 standing orders committee report on sub judice as follows:

> The Speaker … has endeavoured to achieve a reasonable balance between the conflicting considerations of the rights of the House and its members to debate a matter if it wishes to as against both the rights of litigants and the preservation of the proper judicial processes.

For the Legislative Assembly of the Victorian parliament:

> The key factor is whether a reference to court proceedings could affect the course of justice. The convention does not automatically prevent a broad general reference to a court case.

The background on sub judice from the Victorian parliament continues:

> The convention has not been applied where a court appeal was still possible but had not been made at the time of the debate.

It also makes a distinction between matters before the courts and matters more generally under investigation. So a matter being investigated by a government department would not be sub judice. In fact, parliament is not prevented from legislating on an issue before a court, and debate, in consequence, can take place on a bill that covers the same subject as court proceedings.

The House of Commons also guides Australian parliaments on the time at which the convention of sub judice applies. With criminal matters, it applies from the time a charge is made to the time when the verdict and sentence have been announced. In civil matters, the convention applies from the time the case has been set down for trial or otherwise brought before the court. Civil matters can be referred to before the trial date has been set.

The collapse of the West Gate Bridge was a subject of debate and a censure motion even though Supreme Court proceedings were pending. The Speaker ruled the motion in order as long as issues pending before the court were avoided. The same principle applied when there was debate on the 1999 Metropolitan Ambulance Service royal commission.

My motion—and I would encourage the Assembly to accept it—would have the Assembly adopt the following practice when debating matters before a court and would provide us with guidelines on sub judice which, I submit, will assist this Assembly and future assemblies, you and future speakers and, particularly, members of assemblies, on what can and what cannot be done. It states:

> (1) the Assembly reinforces the basic principle that debate should be avoided which could involve substantial danger of prejudice to proceedings before a court, unless the Assembly considers that there is an overriding requirement for the Assembly to discuss a matter of public interest—

and you will find that form of words, virtually in identical form, in *House Of Representatives Practice* and *Odgers' Senate Practice*—

> (2) Debate shall be allowed in the Assembly on any matters before the courts unless it can be demonstrated by a Member of the Assembly that such debate will lead to a clear and substantial danger and prejudice in the courts' proceedings;

The normal rule is that there should be debate unless there is a clear and substantial danger of prejudice in the court proceedings. But we think it is desirable that, if someone objects to a matter and raises the issues of sub judice, that member should demonstrate that the debate would lead to a clear and substantial danger of prejudice in the court's proceedings. That, obviously, would then assist you, Mr Speaker, or some future Speaker. I continue:

> (3) Unless the matter before the court could cause real prejudice to a trial or court hearing in the sense of either creating an atmosphere where a jury would be unable to deal fairly with the evidence before it, or would

> somehow perhaps affect a future witness in the giving of evidence, whether for the prosecution or the defence, then the matter for debate or questioning before the Assembly should be allowed;

Again, that is a reiteration of the principles enunciated in *Odgers' Senate Practice*, latest edition, edition 11, and *House of Representatives Practice*. I continue:

> (4) sub judice only applies to matters which are awaiting or under adjudication in a court; and

again, a reiteration of the principles followed by Australian parliaments, especially the House of Representative and the Senate, which we place great store in and which we go to for interpretation if our standing orders do not cover matters—

> (5) this resolution have effect from the date it is passed by the Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.

In other words, a notice of continuance would go in the back of our standing orders. I submit that that is a sensible series of guidelines that would assist everyone in this place and future members of this place. I understand the government is going to oppose this motion, and I find that very disappointing.

One of the problems is—and I note that this is so since this government took majority control last October—that debate in this chamber has, in my view, been stifled, curtailed or prevented by a blanket application of the convention of sub judice.

**MR SPEAKER**: Order! It is not appropriate for a member to criticise past decisions of the Speaker. By characterising them and my decisions in relation to sub judice as some sort of a blanket stifling of debate is quite inappropriate, Mr Stefaniak. So you will desist.

**MR STEFANIAK**: All right, Mr Speaker.

**MR SPEAKER**: You have the opportunity at any time when I make decisions in relation to sub judice to move a motion of dissent and so on, and you have indeed done that.

**MR STEFANIAK**: I have.

**MR SPEAKER**: But it is not appropriate for you to continue to be critical of those decisions.

**MR STEFANIAK**: I will rephrase that. Thank you for that direction. You are right. I have moved one or two motions of dissent. They were, indeed, unsuccessful.

What we need to do here is ensure that we have some clear guidelines that will assist this Assembly to utilise the sub judice rules and the sub judice conventions along the lines that all the other parliaments in Australia do, especially the House of Representatives and the Senate, which have been dealing with this matter really for a lot longer than 40 years. Clearly, when you look at *Odgers'*, there are a lot of precedents that go back 40 or

45 years. Some very clear guidelines have been established in *Odgers' Senate Practice* and *House of Representatives Practice*. That is basically where I have come up with this form of words. I was assisted, I must say, greatly by my colleague Mr Seselja, who will be talking on this issue as well. We have come up with this form of words here as a guide to everyone in this place.

I appreciate your position, Mr Speaker, and I do not want to reflect on past debates in the Assembly. I do, however, stress that it is important that we do all we can, whilst balancing the need to protect the courts, to balance the need to ensure that debate is as full as possible in this house. These rules will assist in that regard.

*Senate Practice* makes the point that there should a substantial, not a slight, danger of prejudice to proceedings before a court and states, moreover, that, because sub judice turns on the possibility of someone being influenced, judges are not seen to be influenced by public debate. *House of Representatives Practice* puts it that there is a long line of authority from the courts that indicates that courts and judges do not regard themselves as such delicate flowers that they are likely to be prejudiced in their decisions by a debate that goes on in the house.

The convention of sub judice is something, I would suggest, that needs to be used sparingly if there is to be any robust, democratic debate allowed in places such as the Assembly or any other parliament of the Commonwealth of Australia. Indeed, the principle seems to be, as it has developed over the years in the House of Representatives and the Senate, that debate must be allowed unless it can be demonstrated that there is a clear and substantial danger of prejudice in the court's proceedings.

I would submit that, unless future matters that come before the Assembly could cause real or imagined prejudice to a trial or court hearing in the sense of either creating an atmosphere where a jury would be unable to deal fairly with the evidence put before it or perhaps affecting the future verdict, free speech, in the primacy of public interest, must be maintained in the chamber. It is time—and I commend this to members—that we adopt an approach to sub judice that is consonant with House of Representatives and Senate practices and incorporate it into the standing orders that govern our procedures in this place. That will help create a properly democratic chamber of debate and democracy. As Senator Eric Abetz said recently, it is a garden that needs careful tending.

What the motion does is clearly enunciate what the current practice is in the Senate, in the House of Representatives and, from what I can gather from the research the opposition has done, in other Australian parliaments as well. It does tend, to an extent, to codify the position. The discretion ultimately is yours, Mr Speaker, or your successors'.

There is the addition, which Mr Seselja will talk to at further length, in relation to the matter, which we think is sensible, that, if a point is raised with you, Mr Speaker, or with anyone else in the chair, that sub judice should be invoked, it should be demonstrated by the member who raises it that such a debate will lead to that clear and substantial danger of prejudice in the court proceedings which is the principle that is enunciated and has been enunciated for many decades now in *House of Representatives Practice* and *Senate Practice*.

I commend the motion to the Assembly.

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

## Adjournment

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

> That the Assembly do now adjourn.

### Karinya House

**MRS DUNNE** (Ginninderra) (5.54): I come into this place to pay tribute to Karinya House and to the members of the public who support Karinya House. Karinya House, as members would know, is a home for women in distress during their pregnancy, a home for mothers and babies. It was a great privilege for me, when I became a member of this place, to become one of the patrons of Karinya House.

Recently, on 17 September, Karinya House had its annual fundraising ball. Again, it was a successful event. It is fantastic every year to see 250 or more people turn out in support of Karinya House. I would like to pay tribute to the fantastic board and staff of Karinya House: Cathy Cooney, the president of Karinya House, and Mary-Louise Corkhill and her fantastic staff. I also pay tribute to this government, the ACT government, which has supported Karinya House through ACT Housing and through government grants.

In the course of the evening, the president of Karinya House gave a presentation on its work and its plans for the future. It is very clear, for those who only come across Karinya from time to time, just what great work it does. One tribute paid to them by one of the social welfare professionals in this town was that we could fill Karinya House many times over and that the work that Karinya House does is the most coordinated and effective work that they have ever seen in providing assistance to pregnant women in distress.

A couple of testimonials from some of the former clients included: "We will always be grateful for Karinya's ongoing support, kind words and lovely gestures." "You are such an important part of mine and my child's history together and you will be part of our future success." It goes on like that.

I need to pay tribute, especially, to the fantastic organising committee and the stalwart supporters of Karinya House; to the principal sponsors, Clonakilla Winery of Murrumbateman and the Canberra Southern Cross Club; and to the other great sponsors and donors that made the night such a financial success, the Water's Edge Restaurant, the Chairman and Yip, Anise, Mezzalira On London, Teatro Vivaldi, Brindabella Wine Tours, Lenovo, IMB Society, MJ Designed Baskets, Questacon, Natrelle Beauty Salon, Cockington Green, Kaleen Flowers, the National Dinosaur Museum, the Australian Reptile Centre at Gold Creek, the Enchanted Room and Santa's Secrets, GreenGold Garden Centre at Federation Square, the Lolly Shop, Tim and Lara Kirk, Cindy Dare, Joan Suckling, GreenGold Garden Centre at Westfield Belconnen, Posh Pots, PricewaterhouseCoopers, the Disciples of Jesus (Canberra), Rachel Campbell and the Rotary Club of Canberra and Fyshwick.

I also recommend to members, who may be interested, that they can provide financial support to Karinya House by way of their project 1000. They are looking for 1,000 people to donate at least $200 a year to Karinya House. Those donations are tax deductible. If members are interested, they can obtain the information necessary to provide for Karinya House from my office at any time. Congratulations, Karinya House, and congratulations to all those who support it.

## Wakakirri story dance competition
## Policing—forensics

**MS PORTER** (Ginninderra) (5.58): I was going to rise in this place this evening to talk about the wonderful Wakakirri story dance competition and its ACT finals that I attended along with my colleague Ms MacDonald on Friday evening. I enjoyed that event very much, as I know Ms MacDonald did. I was pleased to see that, in its 14th year, after starting with 20 schools back then, it is now attracting 600 schools nationally, with over 200 from the ACT.

I was pleased to see two schools in my electorate, St John the Apostle at Florey and Aranda primary school, win awards—St John the Apostle winning division 2, with "Gorillas in the mist"; and Aranda, a silver for "Peter Pan". I was going to talk about that. Ms MacDonald might be talking about that later.

What I would really like to talk about now is an interesting experience that I had in recent hours. I think Mr Pratt will be particularly interested in this interesting experience, because he has such little faith in our police service and forensics, it appears. Yesterday, I returned home, after attending an evening event with the local Guides group, along with the Chief Minister, to find that, unfortunately, I had experienced a break-in at my home. The offending person or persons had ransacked the house and attempted to find cash, I suspect, because, in the end, very little of value was taken.

We rang the police, obviously, who were very prompt in their response and gave us an estimated time that they would attend. Secondly, after attending the crime scene, taking photos, et cetera, the police undertook to send a forensic team out to the home to take forensic evidence. They will do this later today. So much for forensics not attending the crime scene, Mr Pratt! I am sure Mr Pratt realises that this prompt and effective response has nothing—

**Mr Pratt**: Did you tell them you were a Labor MLA?

**MS PORTER**: I was just about to say that, Mr Pratt. I was going to say that I thought that you would not believe that their prompt and effective response was anything to do with my status in this place. However, just in case you do have that suspicion, which apparently you do—and I am very disappointed that you feel that way—I must assure Mr Pratt that at all times in our communications with the police communications unit my married name was used, which of course is not Porter. At no time were they aware who I am.

Mr Pratt, I wanted you to know that our police service is on the job; it is prompt in its response; and its response is thorough, including a forensic investigation course. And

I thank them for it. I know that you think we should have a police person on the corner of every street, with forensics on tap, Mr Pratt. However, I am of the belief that standing in one place all day and hanging around in case something happens is rarely helpful. The valuable services of forensics, I would imagine, are quite expensive and should only be used if they are going to reveal some useful evidence, which they obviously believe that it will do in this case.

I am happy and satisfied with the response that my family and I have received from the police service in the ACT. I remain confident in the police service and in their capacity.

## Statements by Chief Minister and Minister for Planning

**MR PRATT** (Brindabella) (6.02): I rise to refer to a matter discussed here yesterday. Yesterday, Chief Minister Stanhope and Minister Corbell, in infantile fashion, pretended to compare my 1999 wartime Yugoslavia arrest and prison experience with that of the potential experience of those who might be arrested in Australia under the new counter-terrorism laws. They both sarcastically asked, as if my experience was a great joke, "How can you support the arresting of people? How did you enjoy your prison experience, Steve?" This was a puerile excursion embarked upon by both Mr Stanhope and Mr Corbell, because, of course, there is no comparison.

Look at the stark differences. The Milosevic regime, which arrested my two colleagues and me during wartime, was a murderous and totalitarian regime with a long track record in genocide, extra-judicial execution and regular random arrests. How stupid of them to therefore compare the Milosevic regime to the Howard government! There is no comparison. How dare these two members reach down to the gutter level and drag those personal experiences from a faraway land into this place, to be kicked around like a political football! How dare they use my wartime experience as a reference point to anchor their shabby case against the very necessary counter-terrorism legislation!

As for these continual attacks on my reputation, I make the point of saying that the Stanhope government is commenting on issues of which it obviously has no knowledge; its members obviously have not read my book, otherwise they would not be making the comments they do. They have continually shown their ignorance of such matters by regularly making accusations about me that they are really not qualified or entitled to make.

If they want to learn the facts, then they should read my book. It is freely available; they can buy a copy from me if they really have an interest in the subject. Until then, they really are not qualified to speak on the issue; so they should keep their mouths shut about issues which have no relationship to my work here at the Assembly and which they obviously have no legitimate understanding of. If they did, they would not make the ill-informed comments that they have made.

Mr Stanhope and Mr Corbell, both, have very narrow political hothouse experiences and no international or wartime experience. They are entirely ignorant of such matters. Or, if Mr Stanhope has the bottle, he should step outside the protection of chamber privilege and make his allegations public. But just as Mr Stanhope is too gutless to tackle the Prime Minister face-to-face on counter-terrorism legislation, I know he is too gutless to step outside the protection of privilege.

Seeing how the Chief Minister does not have the courage, then at least he should bring his evidence and place it on the table, to support his allegations. And he should table that evidence now. If he cannot table that evidence, then he should do the honourable thing and resign.

## RSPCA

**DR FOSKEY** (Molonglo) (6.05): We have a variety of topics tonight in the adjournment debate. I am going to talk about a very nice topic that everyone will feel warm and harmonious about. I am going to talk about the RSPCA. Do you remember a song that had one more syllable than that? Singing is not my forte but respect for the RSPCA is.

Last week I went to an information night that the RSPCA ran for prospective volunteers. I am in the sad position of having lost in recent weeks my dog of 16 years, and I cannot tell you how hard it is to go for a walk without a dog. So I went along to the RSPCA meeting to find out how I could continue to walk dogs, without owning a dog. I was not alone. There were over 70 people at that meeting, which indicates the standing of that organisation in our community.

The RSPCA deals with 6,500 domestic animals a year. I guess it is a bit of a sad reflection on our society that so many people take on animals and then lose the plot halfway. The RSPCA have got 30 permanent paid staff, but 120 volunteers working there regularly. There are 50 wildlife carers, of which my daughter has been one and no doubt will be again. Their paws walk will this year be between the Commonwealth and Kings Avenue bridges. Normally it is in Belconnen. That will require 50 to 100 volunteers.

One of their programs is paws volunteers. Don't these very words make you feel warm and cosy inside? Paws volunteers do not just deal with animals; they also help people. There are a number of people in homes who have pets and, because of their own health or other reasons, they do not go outside very much and are not capable of walking their pets. So the paws volunteers undertake to walk at least once a week these people's animals. They are normally, fortunately, dogs. Very rarely are they goldfish, because everyone knows you cannot take a goldfish for a walk.

At any one time within the shelter, there are 60 dogs. Recently there were 40 pups. One lot of pups, as I think people know, was found on top of Mount Taylor; another was found in one of those great big bins, whose name I cannot remember at the moment, because I am nearly brain dead. Mostly they have 80 cats. Cats, of course, are a huge problem that we are going to address in the Assembly in the next day or two. And so we should. They normally have 1,500 kittens a year to deal with. Obviously they do not find homes for very many of those.

But talking of music, the RSPCA has found that piping classical music through the dogs' kennels calms them and that Mozart is the most effective of the composers. However, they find that most of the staff get very sick of Mozart; so they do have to vary it.

I am sure that you will all be pleased to know that the RSPCA can de-sex cats for people on Centrelink benefits for $80. That is really important because of the price of de-sexing

cats can be prohibitive for people on low incomes. $80 is still a bit steep, but it is absolutely essential that that happen, otherwise cats can reproduce over and over again.

We will all be very pleased that the RSPCA now has enough money, through the community appeal, to buy an animal ambulance. They have got more than they need to buy it. They have got enough money probably to start fitting it out. That is a really great thing.

The RSPCA is a very inclusive place; people are welcome there. It is a good place just to go and look at dogs if you have not got one.

## Walk for juvenile diabetes

**MR SMYTH** (Brindabella—Leader of the Opposition) (6.11): I rise to thank the more than 3,000 Canberrans who on Sunday joined the walk to find a cure for juvenile diabetes. The walk to cure diabetes, as it is known, is an annual event. Around Australia something like 80,000 Australians walked. In Canberra it was more than 3,000. The money that they raised goes to Diabetes research. The organisation guarantees that 85 per cent of the funds raised will go directly into research, which is a pretty good effort.

The fight to find the cure is something that is quite real. The information supplied by the Juvenile Diabetes Research Foundation hopes that within the next 5 years the cure will be found. And over the next 5 years around $3.3 billion will be spent on type 1 diabetes research around the world. It is important to read just a paragraph or two from their document *Research to reality*:

> Just think …. eighty years ago, people with Type 1 diabetes died within three years of diagnosis. Now, thanks to ground-breaking research, we are able to sustain life with insulin and other medications. However insulin is not a cure for diabetes.
>
> Globally JDRF have made a commitment to accelerate the pace of research by contributing $1.3 billion over five years to research. Finding a Cure for Diabetes is within the foreseeable future … we want to take the research out of the laboratory and make it a reality! But we need your help to do it!

It was pretty inspiring when, on a Sunday morning at 10 o'clock, the lawn outside the National Library was full of Canberrans. Whether they went as families, whether they went as individuals, whether they went as teams, corporate teams or departmental teams from the ACT and the federal governments—they were all there. It was great to see that, as a community, people were willing to cycle, scooter, skateboard, walk the dog, just go for a stroll, go for a bit of jog and put their Sunday mornings to a wonderful charity.

I walked. Bill Stefaniak walked with me. Gary Humphries was the official starter. Kate Lundy turned up and walked with us. There were lots of corporate teams. I want to thank those who really are doing a great job. There is a series of sponsors at either the national level or at the local level that have really got behind the Juvenile Diabetes Research Foundation.

At the national level, they are Australia Post, Boral, Ford, IBM, Spotless, Optus and Westpac. Most of them had teams there on Sunday. In the territory, the leaders were the

Brassey of Canberra, Delfast, De Neefe Signs, WACO Kwikform, Narona Homes, Event Sound People, Barlens Event Hire, Pirion, Mix 106.3 and the *City News*. They were supported by ActewAGL—again: well done, Treasurer—Chubb Security Services and Coca-Cola.

The interesting thing is that the teams then went out and raised money. Afterwards, a lot of groups gave free rides or had things for the kids to do—jumping castles, that sort of thing. Rotary were there raising money as well. There was face painting. It really is a tremendous community event.

It cannot be done without the volunteers. A lot of volunteers got there on Saturday and set up. There were tents and marquees everywhere; it was quite an impressive display. Each of the corporate groups was then able to entertain those who had walked. To the volunteers who manned the course, who took the money, who took the registrations, who tallied up the bucks at the end of the day, well done. They are people like Brian Acworth from Westpac and his wife, Jenny, who were there. Brian helped organise the event this year. I think he organises it here in the ACT. His wife, Jenny, was sitting in the counting house, as it were, counting all the money. It was good to see that families were getting involved with this organisation as well.

To all of those who walked: well done. To the Juvenile Diabetes Research Foundation: best of luck in finding a cure. Hopefully, at the end of that five-year period, perhaps we will not need to have walks on Sundays to find a cure for diabetes; we can then move on to something else.

## Industrial relations

**MR GENTLEMAN** (Brindabella) (6.15): Mr Mulcahy said yesterday that we are at our lowest level of industrial disputation since 1913. On the same day, a protest in Wollongong saw 700 workers, including nurses, firemen and steelworkers, vent their concerns to Prime Minister Howard over the industrial relations proposals; 700 workers made the decision to exercise their democratic right to protest about the changes that are set to reduce workers' rights and entitlements.

Under the Howard government's proposals, such actions could be deemed unlawful strike action and, as such, could incur an individual civil penalty of $6,000—$6,000 for standing up for what you believe in. It is $6,000 now. However, as outlined in that wonderful document WorkChoices—please do not excuse my sarcasm—this figure is under review. It only stands to reason, I suppose, that a government determined to reduce workers' rights and entitlements would increase the penalties for participating in democracy.

I suppose democracy is a term that the Howard government employs only for the purposes of spin and not as a means of governance, for, in a democracy, the Howard government would be required to consult key stakeholders in decisions, such as, in this instance, workers and their representatives; employers and employer groups; organisations that deal with the day-to-day realities of underemployment; and state and territory governments. But the Howard government has not done that. No, the group with the most to lose from these changes, the workers of this country, has not been consulted. So the option left in this democracy is to take your protest to the streets.

The Australian Council of Trade Unions is convening a national day of action on 15 November. It is anticipated that hundreds of thousands of workers across the country will be united by satellite broadcast. But there is a segment of these workers that will not have to wait for the proposed changes to come through to worry about fines. Building, construction and manufacturing workers face fines of up to $22,000 just for participating in the day.

The head of the new Australian Building and Construction Commission, Mr Nigel Hadgkiss, has sought to rest our unease about the potential fines. Mr Hadgkiss said that, if workers received written permission from their employer, they would be allowed to attend. That is democracy! This is not a school excursion!

WorkChoices and its ugly half brother, the Building Construction Industry Improvement Bill, are designed to destroy workers' rights, and workers have the right to fight this destruction. The Building Construction Industry Improvement Bill—what another great Orwellian name, I might add—not only outlines the penalties incurred for exercising democracy but also details how workers who refuse to answer questions of the new building police can be sent to jail; that is right, sent to jail because you refuse to incriminate yourself or your colleagues. But unlike criminals, who are given access to legal advice, these men and women will be forced to fend for themselves against the building police. What a world we live in!

WorkChoices and its ugly half brother have drawn criticism from religious groups, from community groups and from academics. It has now drawn criticism from one of the workers featured in part of the $100 million media campaign. Cameron claims that he thought he was part of a safe-work video. He received $13 for his involvement. Two conclusions can be drawn from this: one, the government has had to pay people to appear happy about the proposed changes; and, two, when the money does not work: lie, lie, lie.

These changes are not about workers and their families, and I have said in this place this week these changes are not about businesses. These changes are about the ideological dreams of John Howard. I say that these changes are a nightmare—a nightmare that our children and our grandchildren will have to pay the penalty for.

## Wakakirri story dance competition

**MS MacDONALD** (Brindabella) (6.19): I promise the house that I will be brief. Ms Porter raised the issue of the Wakakirri finals last Friday night. It was, indeed, my great privilege to attend the Wakakirri finals at the AIS arena on Friday night.

I have previously spoken in this place about my experience back in August as principal-for-a-day at the Wanniassa school, which was a wonderful experience, I would reiterate. While I was there, I was shown a video of the Wanniassa primary school's part of their entry in the Wakakirri finals for this year and was lucky enough to be able to attend the finals with the Wanniassa school, as their guest I thank them for inviting me along.

The Wanniassa primary school was competing in division 1, the Wakakirri finals being in two divisions—division 1 and division 2, obviously—division 1 being the less

experienced schools. I am afraid to say that I did not make it the entire way through the evening because I had had an early start that day and, come quarter to 10, with three schools left to go, I could not last the distance.

I did ring Judy Pettiford, the principal of Wanniassa school, on Monday and was delighted but not surprised, I have to say, to hear that Wanniassa primary school had won division 1 of the Wakakirri finals in the ACT. So my congratulations go to Judy Pettiford and the staff for their assistance to the children, but particularly to the children who put together the performance of "Sadako" and "1,000 cranes" for the Wakakirri finals.

Question resolved in the affirmative.

**Assembly adjourned at 6.22 pm.**