LEGISLATIVE ASSEMBLY

Wednesday 30 November 2005

———

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

Mr SPEAKER: I acknowledge that we are meeting on the land of the Gadigal clan of the Eora nation. We thank them for their guardianship of this land.

AUDITOR-GENERAL'S REPORT

Mr Speaker tabled, pursuant to section 52 of the Public Finance and Audit Act 1983, the report entitled "Auditor-General's Report—Financial Audits—Volume Five 2005".

Ordered to be printed.

TERRORISM (POLICE POWERS) AMENDMENT (PREVENTATIVE DETENTION) BILL

Second Reading

Debate resumed from 17 November 2005.

Mr ANDREW TINK (Epping) [10.02 a.m.]: As shadow Attorney General, at the outset I have to acknowledge the fundamental opposition to the Terrorism (Police Powers) Amendment (Preventative Detention) Bill. I accept that both the New South Wales Bar Association and the Law Society of New South Wales have put considerable effort into their submissions and I thank them for that. However, I cannot agree with the thrust of their arguments; nor can the Opposition. In ordinary times the arguments they put forward would be very persuasive. The difficulty is that we do not live in ordinary times. I wish we did, but we do not. I am convinced that potentially and regrettably there is grave ongoing threat of a nature that is extremely difficult to detect and which is likely to morph or recreate itself in different guises. Increasingly the threat appears to be home grown, and paradoxically for that reason in some ways it also makes it much more difficult to detect.

The potential consequences of the worst types of scenarios that could occur—maybe not immediately but at some time down the track—do not bear thinking about. I think it was the former Premier, Mr Bob Carr, at a function recently, who first verbalised the unthinkable: that this type of threat might even extend to some type of dirty bomb or nuclear device, should one somehow become available somewhere. In these circumstances it is regrettable but necessary that the sort of legislation that is before the House is passed by the Parliament as a priority before the Parliament rises.

Liberal democracies like ours have faced maybe not these sorts of threats but they have faced very grave threats in the past. It is a matter of historical record that to meet those threats laws have been changed, laws have been tightened and some of the traditional legal safeguards have been suspended during times of crisis. I believe that was the case in World War I, and it was certainly the case in World War II, sometimes controversially. I spent a little time on the west coast of the United States of America and I know the community there, including many members of the Japanese-American community who are many generations longstanding. Whole families were interned during the Second World War for safety reasons and that decision rankled many. It is open to debate even to this day whether that decision was the right one. Nevertheless, the decision was taken

One of the features that distinguishes the community we live in and particularly distinguishes the other English-speaking Liberal democracies is that even if at times in the face of an extreme crisis the mark is overstepped constitutionally, when the threat passes there is strong historical tradition of winding back the draconian laws that were put in place to deal with the circumstances at the time. That is one of the hallmarks of what happened in the United States, in Great Britain and what has happened here. Other countries with less stable systems have a shorter tradition of democratic process where the very real concern is that once the threat passes the special emergency legislation is not repealed but is entrenched, and often entrenched to support a

government which would not otherwise continue with the support of the people. I do not believe that is an issue here—history tells us it is not—nor is it an issue in other countries that are immediately facing the need for this sort of legislation.

That is the background and that is the attitude I have concerning this bill, which is certainly a very strong bill. It is noteworthy that the bill results from discussions between the heads of Australian governments where all Australian States and Territories have agreed to enact preventative detention legislation to complement the preventative detention scheme introduced by the Federal Government in the Anti-terrorism Bill (No. 2) 2005. The decision to enact the measures follows an agreement reached at a Council of Australian Governments [COAG] meeting on 27 September 2005. I think all Australian governments recognise the need for this legislation and that is reason enough to support it.

However, a few things done by COAG from time to time remain highly controversial and sometimes, on reflection, not always in the best interests of the community. I think we have to keep in mind with these COAG outcomes on this policy area that all heads of government receive briefings from their own police and security forces and intelligence gatherers, as does the Commonwealth, and then they swap that information. I think that COAG is broadly representative of a wide range of political views. The backgrounds of all the Premiers and Prime Ministers cover the full spectrum of mainstream political views across the broad Liberal Party and Australian Labor Party spectrum. They bring to bear a diversity of experience in democratic government in this country and that is weighed up with advice they receive from all Australian agencies to reach an agreement. I think especially in these times to some extent we have to take things on trust, perhaps more with this legislation than any other bill that might come before the House.

The legislation in the Commonwealth and other States is still a work in progress. Although not directly relevant to this bill, a very significant debate is going on in the Federal Parliament about the law relating to sedition. Although not relevant on this occasion, I do say that in general terms in these circumstances words can unfortunately be the most powerful motivators to violent actions. It is important to draw a distinction between words that on the one hand are intended and designed to do that and words that on the other hand are designed to be critical of government to keep it honest and accountable. As hard as it is, an attempt has to be made to draw that distinction and fashion the law accordingly.

The Opposition does not intend to amend or divide on this bill because we have to take the Government on trust in relation to these matters. However, I put on the record that I hope it does not come to pass that something happens down the track and we will look back and say we should have done things differently. I refer to the fact that this bill does not contain disclosure offences, as does its Federal counterpart. In the Commonwealth terrorism legislation such offences are designed to keep the making of a preventative detention order secret. The New South Wales terrorism bill allows the Supreme Court to make non-publication orders in relation to the proceedings, as is typical for all criminal matters before the courts in New South Wales. In contrast, subsection 105.38 (1) of the Commonwealth terrorism legislation makes it an offence for the person who is being detained to disclose the fact that a preventative detention order has been made in relation to the person, the fact that a person has been detained under the order, or the period for which the person is being detained under the order.

Under Commonwealth legislation subsection 105.38 (1) only prohibits the disclosure of information stated above, while a person is being detained. The offence does not prevent the detained person from disclosing information that the person is entitled to make under Commonwealth legislation under subsections 105.33, 105.34 and 105.36 or communicating with a lawyer for the purposes permitted. A possible gap in this bill may allow something to be communicated which could be very much regretted later, before the Supreme Court has made a non-publication order, whereas under the Commonwealth legislation that gap would not exist. Regrettably, it would appear that communicating the very fact that a person is detained could trigger all sorts of consequences communicated through people who are close to that person. Unfortunately, that is the nature of the terrorist threat we are dealing with. I do not propose to move any amendments. I hope that the gap to which I have referred does not result in something being communicated with terrible consequences that might have been deterred from being communicated had the Federal legislation been followed in that regard. With those comments, the Coalition supports the bill.

Mr PAUL LYNCH (Liverpool) [10.15 a.m.]: This is a bad bill. It is wrong in principle. It introduces internment. A person can be imprisoned without charge, let alone a trial or conviction, and that is wrong. It is certainly not as evil as the bill originally sought by John Howard and the Federal Government. Some provisions of the bill mitigate against its impact. It remains, however, wrong in principle. The position of Howard and

sections of the tabloid media is to demonise the Islamic community in Australia. Howard has changed the principle of innocent until proven guilty. He seems to believe that the rule should now be innocent until proven Muslim. These laws attack traditional Australian freedoms and protections. They are corrosive of Australian democracy.

Many of my constituents have come to Australia to escape authoritarian and undemocratic regimes in their country of origin. They are uniformly horrified by the proposals now being enshrined in legislation. Many of my constituents, for example, from Uruguay and Chile, have recently said to me that Howard's terror laws remind them of what happened to them under dictatorships in their countries. These new terror laws are unnecessary. Many issues arise from the recent arrests of people allegedly guilty of terrorism-related offences. One clear moral is that we already have a plethora of laws which allow the police to apprehend, charge and detain people allegedly involved in terrorist offences, or even in, from the looks of it, pre-planning. That is certainly the view of many counter-terrorism experts.

Howard, through his dog-whistle politics and with the help of some elements in the tabloid media, is attacking and demonising the Islamic community. I find this personally profoundly distressing. I have significant Islamic communities within my electorate, from a plethora of countries—Lebanon, Palestine, Pakistan, India, Fiji, Kurdistan, Bosnia, amongst others. I am proud to say I know many Muslims in Liverpool, and am delighted that many of them are my friends. The overwhelming bulk of Muslims in Liverpool are dramatically better Australians than the owners of the tabloid media—and unlike some owners of the tabloid media, my constituents are Australian citizens. Moreover, Muslims in Liverpool for the most part are far better Australians than the Prime Minister. Targeting them, and demonising Muslims, runs the great risk of creating the very phenomenon one is trying to stop. Oppression, repression, and targeting runs the risk of quite stupidly creating what it is expressed to oppose.

There is, of course, a cry that we must follow international trends and that these laws are based on the English model. That is an important point and frankly highlights one of the great weaknesses of this present scheme. Britain, it is true, does have terror laws, although not as extreme as Blair wanted them. Britain also has a Human Rights Act, which, in a sense, is a Bill of Rights. It sets out a number of principles against which the terror legislation can be judged. If an inconsistency is perceived, an application to that effect, can be made to the court, and it was precisely through that mechanism in December 2004 that the Appellate Committee of the House of Lords gave adverse judgments about nine people detained under the Anti-terrorism, Crime and Security Act. Of course, while we get the repressive laws from England, we do not get the Human Rights Act. We get the draconian English laws but not the reasonable English protections.

The terror laws have a number of elements. They include the introduction of control orders, expanding the law of sedition, the introduction of what is euphemistically called preventative detention, which is better described as internment, and the extension of search and seizure powers. Control orders are modelled on apprehended violence orders [AVOs]. To suggest that terrorism can be combated by AVOs is fanciful. The most odious feature of the whole terror package now is the sedition provisions. The current Federal sedition laws are archaic and repressive. Some would argue that they are hard to actually understand. In any event they have not been used within living memory. There is a compelling argument to get rid of them altogether. Instead, Howard now wants them expanded. This must stifle public debate and cannot be good for our democratic structures.

If the aim is to prevent people inciting others to violence then the law should simply criminalise that, without all the political perspectives of sedition. Of course, any law would still pose dangers for those who in Australia supported Irish independence struggles up to 1921, the Vietnamese in the 1970s, Nelson Mandela and the African National Congress in the 1980s and Xanana Gusmao and the Timorese in the 1990s. Prosecutions for sedition have been associated with some of the most offensive periods and episodes in Australian history. It was used to prosecute the Eureka rebels in the 1850s. It was used against unionists and at least one journalist in the 1891 shearers' strike. It was used against Harry Holland successfully, and Tom Mann unsuccessfully, in the 1909 Broken Hill strike. Hughes threatened it against Mannix during the conscription debate in World War I. It was also used during the World War I against 86-year-old Monty Miller. Even more infamously, during World War I, it was used against 12 Wobblies—members of the International Workers of the World—including the brother of the legendary James Larkin.

The story of that corrupt manipulation is told brilliantly in Ian Turner's *Sydney's Burning* and is a useful reminder to people of what happens with the law of sedition. A law with such antecedents has no place in modern democratic Australia. Even the Federal Attorney-General has acknowledged problems with sedition laws and has promised a review next year. It is an act of either breathtaking stupidity or monumental hypocrisy to prosecute through Parliament laws that are so flawed that one needs to arrange to review them before they are even adopted.

Turning to the New South Wales component of the terror laws we come to internment. We do not have a bill of rights in Australia. One of the few protections contained for citizens in the Commonwealth Constitution means that Federal laws probably cannot allow for internment beyond 48 hours. So to get around this constitutional impediment to longer term internment, the State has to do the Federal Government's dirty work. Thus constitutional niceties are observed. No doubt the current bill is a significant improvement over earlier Commonwealth proposals. The improvement in this bill is very much to the credit of the Labor Premiers and this State's Premier and this State's Attorney General. It also reflects positively upon the work of the Criminal Law Review Division of the Attorney General's Department and Lloyd Babb. I also like to think it reflects on the efforts of a number of Labor backbenchers in this place.

Proposed section 26ZO is an important provision in the bill. Amongst other things, in a technical sense, it significantly expands the jurisdiction of the NSW Ombudsman. It also allows for substantial parliamentary oversight of the exercise of these powers. Shortly after the Council of Australian Governments agreement a number of public comments were made that New South Wales already had independent oversight bodies—the Office of the Ombudsman and the Police Integrity Commission. The inference seemed to be that the existing agencies, by their nature, would automatically be able to oversight the use of these powers. I think that argument was fundamentally flawed. As they currently exist the Ombudsman and the Police Integrity Commission largely focus upon investigating police misconduct and the misuse of power. What is needed, however, is not focus upon the misuse of powers by police—those investigations are generated by complaints—but a focus upon the ordinary use of these powers by the State.

Section 26ZO deals with this point. The section provides that for five years the Ombudsman is to keep under scrutiny the exercise by police or correctional officers of the powers in this bill. That seems a significant technical addition to the jurisdiction of the Ombudsman. The Ombudsman can, of course, use all of his powers, including his royal commission powers, in exercising his jurisdiction. I note that there is no similar expansion of the Police Integrity Commission's jurisdiction. A choice has been made to allow the Ombudsman, not the Police Integrity Commission, the regular oversight of these powers. Given the traditional roles of the two agencies, that seems to me appropriate.

The bill provides for the preparation of reports after two years and after five years, which are to be furnished to the Attorney General and the Minister for Police. The bill then says that the Attorney General should table the reports in the Parliament as soon as practicable. That is an inadequate formulation. I would have thought it should be tabled within 28 days of receipt. The omission of a precise time limit and the inclusion of the phrase "as soon as practicable" will facilitate potential delay, as has already happened with a number of other reports. That is certainly the view of the Ombudsman, which he gave in evidence in this place last Wednesday 23 November before the parliamentary committee on the Office of the Ombudsman and the Police Integrity Commission.

There is no restriction on what the Ombudsman can report on. That is important because sometimes there is an assumption that oversight agencies, in preparing such reports, must accept the public policy basis of the legislation concerned and just focus on purely technical aspects in review. I see no basis in this bill for the Ombudsman's role to be so circumscribed in this instance. As he made clear in the evidence he gave last Wednesday, he is not precluded from making any reports to Parliament, if necessary at any time he chooses. He is not restricted to giving formal reports at the end of two years and at the end of five years.

Additionally, this opens up a whole new field of parliamentary scrutiny in the exercise of these powers. The Ombudsman's office is subject to parliamentary oversight by the Committee on the Office of the Ombudsman and Police Integrity Commission, which, as it so happens, is a committee that I chair. Within its statutory authorities there seems quite a wide scope for the committee to oversight the way in which the Ombudsman monitors the use of these powers. I look forward, as I suspect do others, with some interest to see how this aspect develops. I know that the expectation in some quarters is that these powers will not be used frequently. The powers under the principal Act, the Terrorism (Police Powers) Act, have only been used once since their introduction in 2002. If this expectation were not met, the level of resources and finances provided to the Ombudsman's office would need to be considered. Indeed, if the use is extensive, the establishment of a separate stand-alone monitoring body will need to be considered.

Two other specific aspects of the bill require comment. The bill does not provide a definition for preventative detention. The bill allows an order to be made but does not say precisely what it will involve. The Attorney has mentioned that this means that a person who is subject to an order does not have to be held in gaol. They may, for example, be confined to home detention. On the true construction of the bill, that seems a

possibility that presumably is meant as an ameliorative provision. However, that argument is flawed. The bill makes clear that the police will decide the type and details of the internment. I think it inherently unlikely that the police who seek an order would be content with anything other than incarceration in gaol. I would have thought that the cure is simple. The judge, not the police, should determine whether the detention occurs at home, in prison or elsewhere.

The bill also allows police to routinely monitor conversations between a person subject to an order and his or her lawyer. This is wrong in principle and bad in practice. It has been a very basic principle for a very long time that conversations between solicitors and clients should be private and not subject to eavesdropping. It is a principle that to this day applies to a whole range of people charged with a whole range of offences. Alleged multiple murderers, granny killers, paedophiles and so forth are all protected from having conversations with their lawyers monitored, but not people interned under this legislation against whom there is not even enough evidence to charge them. On any view, that is ludicrous. It is also a problem in practical terms. Court processes and quasi-court processes work far more efficiently if parties are represented by properly instructed lawyers. Under this bill lawyers will simply not be properly instructed. Their clients will be terrified of saying anything to them, and that will be to no-one's benefit.

The points that have been made about oversight of these police powers are important. The Police Integrity Commissioner gave evidence last Wednesday before the parliamentary committee that I chair. He made the point that surprisingly little work has been done previously concerning the oversight of and misconduct by counterterrorist bodies. The commissioner's phrase is that there was a lack of focus on this topic. We seem to be exponentially increasing the powers of counterterrorism bodies, yet very little attention has been given to the processes and methods of oversight in the use of those powers—that is of considerable concern; it is another reason to look very carefully at this bill.

Several years ago and for very good reason this State's special branch was abolished. Its legitimate functions were subsequently allocated to a new agency, the Protective Security Group [PSG]. This body was subject to a whole series of special safeguards introduced in legislation. That was perfectly fair and proper and was enshrined in legislation. However, subsequent to that legislation, new legislation was adopted to create the Counter Terrorism Command Centre [CTCC]. The CTCC took over all the powers and roles of the PSG, with even greater powers and resources, but the safeguards so proudly proclaimed for the PSG were left out of the legislation and were glaringly absent from the CTCC. I hope that the fate of those safeguards is no portent for what will happen to the safeguards in this bill.

Australian history has a strong strand of suspicion and scepticism about powerful government institutions and the dangers they pose to ordinary Australians. Vinegar Hill, Eureka, Ned Kelly, the shearers' camps, the anti-conscription campaign in WWI and the defeat of the Communist Party dissolution referendum are all part of that tradition. That tradition gives strength to the scepticism I have about this bill and, more importantly, its Federal counterpart. My scepticism is strengthened by the opportunist gyrations of the Prime Minister. In a grand rhetorical media event he claimed an imminent terrorist threat to demand an urgent legislative amendment from "the" to "a"—all very urgent, except he had known about it for at least three months and in his race to get to the media in the middle of the industrial relations debate he seems, in the view of many experts in the field, to be running the risk of damaging police surveillance operations and warning those against whom this legislation is supposed to be aimed. And when raids occurred recently one Tuesday morning, surprise, surprise, the media tagged along. I am told by one of my colleagues in this place that he was told by a journalist the weekend before that the raids would be occurring shortly. One is entitled to a degree of scepticism about the rush to introduce these new powers.

I should also note that there is still some considerable doubt about the constitutionality of these provisions. Despite a number of assurances from various people, it is undoubtedly the case that they are still likely to be subject to constitutional challenge. I would have thought that anyone who said that the constitutional question is clear is simply wrong. The safeguards are to be welcomed but the bill is wrong in principle. In the *Sydney Morning Herald* on 11 November the Attorney General was quoted as saying something to the effect that these laws were originally something of which Adolf Hitler would have been proud but they were now simply shithouse. I respectfully agree with the Attorney's view.

Mr DAVID BARR (Manly) [10.29 a.m.]: This bill is being introduced with indecent haste on the second last sitting day of the year. It is being introduced when the final form of the Federal legislation has yet to materialise. What is the rush? We should do what they are doing in Victoria: defer it until the New Year. I will be one of the few in the House to oppose the bill. Every member of the House should debate the bill, which is

fundamental to the principles of our legal rights, political freedom, liberty, freedom of speech, and freedom of movement. This is the mother Parliament in Australia. Members of this Parliament should have a passionate and angry debate, and we should argue against the trampling of habeas corpus, which the bill does. It is astounding that not one single member of the Opposition will debate the bill. We should not allow legal principles to be compromised by expediency born of political manipulation, which is what is happening.

The Federal Government has introduced the Anti-Terrorism Bill (No. 2), which has a raft of obnoxious, repulsive and repugnant provisions that run counter to all our notions about Australia's basic democracy and what people have fought for over the years. Our Diggers went to war to fight for the principles of a democratic system. They may not have thought consciously about habeas corpus and legal principles, but they are the bedrock upon which our legal and political systems are based. They are the bedrock upon which our democracy is based. The bill will weaken those systems drastically. If Standard and Poor's were to rate Australia's democracy, which would have been triple-A, based on the Federal legislation we would be C-minus and based on the State legislation, which has significantly improved the Federal provisions, we would be C-plus. But that is not good enough. We are countenancing the detention of people who have not been charged with any offence, and that runs counter to the legal principles for which people have fought over many years and for which blood has been spilt.

As far back as the Magna Carta, it was said that a person who is made prisoner must have the right to be brought before a body so the case can be argued. We are trashing that simple threshold principle. I could debate all the various provisions of the bill, but I will not because we have crossed the threshold that we should not have crossed. An example of the diminution of habeas corpus in this country is the Cornelia Rau case, which sullied our reputation as a democratic society. She was an innocent detained in a system of mandatory and indefinite detention. It was sheer luck that she was found to be detained in that manner. We should strengthen the habeas corpus laws to ensure that people are not detained unfairly, that anyone who is detained has the opportunity to present their case, and that authorities must argue why a person should be detained. But we are going the other way.

To the credit of the Attorney General, the State legislation is a considerable "improvement", if that is the word, on the Federal Legislation. However, it is still obnoxious. Under proposed section 26D the police can apply to the Supreme Court for a preventive detention order to prevent a suspected terrorist attack or to preserve evidence of terrorist attacks. An ex parte interim detention order can be made for two days. The matter then goes back before a Supreme Court judge and the detainee is provided with a summary of the evidence, not necessarily all the evidence, of the case against him. The detainee should have the right to see all the evidence, subject to national security considerations.

Under proposed section 26O (2) the court is not bound by the rules of evidence. As the honourable member for Liverpool correctly pointed out, it is more than likely that the person will be detained in a prison. We can forget the notion of home detention in these circumstances. A person not charged with anything can be detained in prison for a further 12 days, which can be rolled over in various circumstances. Fortunately, and unlike the Federal legislation, this bill does not make it an offence for detained persons to disclose that they have been detained, which is welcomed.

In such proceedings the rules of evidence do not apply. The Supreme Court may take into account the evidence or information under proposed section 26O (2) that the court considers credible and trustworthy in the circumstances and, in that regard, is not bound by principles or rules governing the admission of evidence. It is highly unlikely that the crusty old Supreme Court justices will want to standardise what is meant by "credible " and " trustworthy". It is not defined. What is "credible" and "trustworthy"? I imagine that Supreme Court justices would not be too keen on this blurring of the Executive branch and the judicial branch. As the honourable member for Liverpool foreshadowed, there could well be a High Court challenge based on Kable's case. The notion that the court can exercise Federal jurisdiction is bound by chapter 3 of the Federal Constitution. It may well be challengeable. Eavesdropping on conversations between a legal representative and a detained person is obnoxious and runs counter to our notion of how the legal system should operate.

Recently we had a well-publicised series of raids and arrests under existing law. At the moment a number of different Acts probably cover all the circumstances we are talking about. The ASIO Act provides that the Attorney-General and then the issuing authority—a judge or an administrative appeals tribunal member acting in a personal capacity—can issue a compulsory questioning warrant or a warrant for detention for questioning, which has currency for 168 hours, with some oversight safeguards. Up to 30 June a compulsory questioning warrant had been used eight times, and probably has been used since then. However, I do not

believe that anyone has been put in detention, but it is possible under the Act. The criminal code provides for conspiracy and enables police officers to arrest people on reasonable grounds if they suspect they are about to undertake a criminal act. Those grounds are similar to section 26D. Why do we need this extra, obnoxious legislation?

Under the criminal code the usual processes apply. Someone is arrested and charged. They then have their say and they go before a magistrate for consideration of bail. Under the proposed legislation people will be detained even if no charges have been brought against them. That is why it is obnoxious and that is why we should not flirt with it. We should resist it, and every member of the House should debate the bill. It is shameful if they do not. If we supinely acquiesce to such Draconian measures, if we are weak in defending democracy under the guise of being strong on terrorism, we give way to terrorists. If we go down that slippery path to be a more authoritarian State, they win.

I was brought up in South Africa. I know the regime of 90-day and 180-day detention laws. I know what a police state is all about. I know about arbitrary arrests and the Bureau of State Security. I know about internal passport laws—but perhaps I should not mention that lest the Federal Attorney-General become interested in internal passports. That is the next step. We are dealing with a very authoritarian Federal government, a government that is prepared to trash individual liberties, not in the name of fighting terrorism but in the name of expedient politics. It is bringing about a mood of fear in this country, which it can then use for its devious purposes: to bring in devious, but unnecessary, legislation. However, it probably helps to keep the Government in power because it says that it is being tough on terrorism. It is not. It is being weak and pathetic on democracy. This House should not go down that path.

The Prime Minister, among others in the Federal Parliament, once regarded Nelson Mandela as a terrorist. Who is a terrorist, and how do these things work? I shall give another example. In 1971, after two kidnappings, one of a British Consul official in Montreal, James Cross, and the other of the Quebec Labour Minister, Pierre Laporte, the Canadian Prime Minister, Pierre Elliott Trudeau, invoked the War Measures Act. Basically, that put Canada under martial law. There were troop carriers in the streets. Police in Quebec raided the equivalent of technical colleges and carted off anything that could be used for printing material. Student activists headed for the hills. Mayors in various towns and cities said, "Good, this gives us an opportunity to get rid of undesirables."

I make that point because Canada has a long tradition of tolerance and we should emulate it in many respects. Yet it was not long before people were saying the sorts of ugly things that are said when one starts to erode the basic processes of law and democratic principles. We must be wary and stringent in protecting our legal and political rights and those of other people, even if they are obnoxious to us. We must ensure that our system remains strong by making sure that everyone has their say in court and that our system goes through proper due process. The Act provides for humane treatment and so on. There is not to be sedition; and detainees will not be whisked off to Egypt for intrusive questioning or whatever. Nevertheless, we do not know what abuses could possibly take place.

The Federal Government is not prepared to allow David Hicks back into the country because it says there could be no charges brought against him under our laws. Mr Hicks has been in a state of legal limbo for four years. We do not know if he is a naive misfit or a hard-core terrorist. We do not know, because it has not been put to the test. Our country, our national Government, has acquiesced to perverted notions of extra territoriality on the part of the American Government. It is one of the most shameful episodes in our history. Yet at the same time we will be supine in following the Federal Government. We will acquiesce to what the Federal Government wants. Although the bill is a watered-down version of the Federal legislation it is, nevertheless, to our shame. The House should reject the bill. I believe that every member should have a conscience vote on it. I should like to hear the true conservatives fight for conservatism on this issue, because that is what it is about; it is about conserving existing legal principles. If the conservatives do not do that, it is a shame on them. And it is a shame on this House if it passes the bill.

Mrs BARBARA PERRY (Auburn) [10.42 a.m.]: In speaking on the Terrorism (Police Powers) Amendment (Preventative Detention) Bill I offer my commendations to the Premier and the Attorney General for their fortitude and good judgment in crafting the bill. In response to the Anti Terrorism Bill (No. 2) 2005 introduced by the Commonwealth, the New South Wales Government, as the representative of the people of this State, deemed it crucial to ensure that major safeguards were introduced on a number of key issues, including judicial review of control orders, and judicial merit review of preventive detention and shoot-to-kill provisions. In particular, I am pleased with the significant success New South Wales has achieved in instigating a fairer

framework for the review of control orders, which allows for final orders to be made only after a hearing where both parties can be present and heard, and in providing additional power to the courts to require more information before making orders.

I applaud the key amendments applied to the test for making a preventative detention order [PDO], including the requirement that orders be made only for a reasonably necessary period and the limiting of the initial order to exclude those not engaged in the planning and preparation of terrorist activity. I note that the overall effect of the alterations will allow for a meaningful and genuine judicial review, which I welcome. Important also, although not immediately relevant to this bill, is the advocacy by Federal Labor for an independent agency to hold Federal police accountable for any questionable conduct, which would be further complemented by heightened parliamentary scrutiny to ensure that the new powers are not subject to abuse. Although there are other meritorious aspects to the bill that I could elaborate on, I feel it necessary to devote some time to giving voice to the sentiments felt by the people of my electorate of Auburn.

I say "necessary" because it is incumbent upon me to relay the force of feeling and the widespread distaste and alarm as expressed to me by the many and varied communities and peoples of Auburn. First, there are those, particularly the more keen observers of this debate, who find the whole exercise deeply regrettable and, more significantly, indicative of the Federal Government's growing contempt for the principles of justice and dearly cherished freedoms. Indeed, it is telling that the Commonwealth's bill in its original form was proposed in the first instance, and that in response we as a State Government had to fight to contain what is essentially a brazen attempt to eliminate basic rights and due processes. Although changes to industrial legislation may not be relevant to the discussion at hand, it is worth noting that the manner in which the Federal Government has seen fit to handle itself in this regard is further proof of its attitude towards the people.

Further to this, many people in my electorate and across the State feel that terrorism as a previously unheard of and unimagined possibility is only now allegedly real as a result of certain foreign policy decisions made by a government that blatantly disregarded the will of the Australian people, the international community and international law. Feeble attempts by Federal politicians to convince the public that we are hated for the freedom we stand for makes for bitter irony and reeks of the worst kind of hypocrisy. But the people are not so easily fooled. Second, in saying this, it is well recognised and understood by all multicultural and faith communities that steps need to be taken to vigorously deny those who would attempt to harm others even the remotest chance of achieving their aims.

In particular I am immensely proud of the Islamic community, which has come forward to strongly affirm the true, peace-loving nature of its faith and to denounce all who would lay claim to alternative violent interpretations. I can attest to this not only through my personal relationships with many in the Islamic community but also by virtue of the numerous open days and festivals I have participated in, along with others of many and varied ethnicities and religious persuasions. Given this, I am gravely concerned at the heightened state of angst and fear that is on the rise in the Islamic community. I am in no small way disgusted by what appear at times to be calculated attempts by some Federal politicians to exploit the anxieties and ill-formed views of some sectors of society which in some instances are prone to violent behaviour.

Just last week I received a phone call from a troubled leader of the Indian community who advised me that a sikh had been attacked by a few young men; they physically assaulted him whilst hurling abuse and accusing him of being a would-be terrorist. The attackers perhaps mistook him for a Muslim. The leader's response was to say that "it had started" and that they were afraid of an outbreak of such racial attacks. To speculate as to whether such a scenario is likely is perhaps not so much the point. The point is that it is essential that a great deal of respect, tact and integrity is used in handling such sensitive issues, and that at this time we continue to extend a strong arm of friendship and assurance to all, and particularly to the Islamic community, which is feeling vulnerable.

Third, with respect to the sedition aspect of the Commonwealth's Anti-Terrorism Bill (No. 2) 2005, there is widespread disdain at what appears to be a cloaked attempt by the Federal Government to silence its most vocal critics. Under the bill it is entirely conceivable that the right of individuals to merely protest could be severely curtailed and lead to punishing consequences. I have received strongly worded, passionate emails, letters and phone calls from a number of people, ranging from elderly Australians to students and community organisation heads, who are outraged at such a prospect. In particular, I note the anger relayed to me by families that have witnessed their loved ones put their lives at stake to defend the rights and freedoms that were threatened in the past by foreign powers. By allowing for, and refusing to eliminate, such possibilities in the bill the Federal Government is once again demonstrating its attitude of contempt for the will and free expression of the Australian people. It is essentially acting as a bully menacing those who would dare to speak loudly in a voice other than their own. It is a betrayal and an insult, and it is felt as such.

As a society it is imperative that we remain true to the principles that form the very basis of our moral fibre and humanity. When the temptation arises to deny those we deem a threat the same rights we afford ourselves we are most in danger of losing our identity as noble, honourable and just human beings. So, let us strive to keep intact our democratic institutions, due processes, and every other provision that allows each and every one of us fair and proper treatment. Failure to do so not only debases one and all but also sows seeds of resentment and discord that will threaten the unity and harmony that we have worked so hard to build to this day.

Ultimately as politicians we carry a grave responsibility to wield power in the interests of the people. It is incumbent upon us to ensure that we protect, nurture, listen and allow for full participation in the political, social, cultural and economic life and prosperity of our State and country. At this time it is critically important that any threat of terrorism is handled in a way most conducive to maintaining this obligation while simultaneously preserving and building upon the unity and harmony that has been established. I commend the Terrorism (Police Powers) Amendment (Preventative Detention) Bill for achieving a fair balance that I believe does not exist in the Federal legislation. I know that when the Federal legislation is enacted the landscape of democracy as we know it will change forever in Australia.

Mr BARRY COLLIER (Miranda) [10.52 a.m.]: I abhor terrorism. I loathe the sinister evil that currently stalks the earth, preying on the hearts and minds of decent, law-abiding men, women and children. There is not and never can be any excuse or justification for murdering or maiming the innocent. But that is what terrorism relies upon to spread its vile message of fear, hate and loathing. Many members know of someone in our community who has been the victim of or affected by terrorism. Along with the mayor, Phil Blight, and the Federal member, Bruce Baird, I spoke at the dedication of a memorial to those young men and women from the shire who were among the 88 young Australians who perished in the first Bali bombing. I shall never forget the impromptu laying of wreaths at Cronulla on the Monday after the bombing. I shall not forget the church services and the grief that was shared by every right-thinking Australian in the shire and across the nation.

Terrorism goes beyond the murder of the innocent and injuries to loved ones. Terrorism goes beyond the fear and grieving of families and communities. Terrorism seeks to undermine the values that all true Australians hold sacred. Terrorism is a cancer that seeks to eat away at the fundamental freedoms we enjoy. It is an attack on the foundations of our democracy. But, we do not preserve or defend our democracy by destroying its institutions, its protections, its conventions, its principles or its ideals. The moment we begin to chip away at our basic rights and protections we open the door ever so slightly to terrorists.

When we begin to sacrifice our fundamental freedoms we let the terrorists gain a foothold. When we start forgoing the principles of justice we begin to abandon the fundamental ideals that our forebears fought and died to preserve and to protect. When we begin to do this, the terrorists begin to win. Clearly, we must strengthen our laws to protect ourselves from potential terrorist acts, but we must be careful not to abandon the principles and protections that have been part of our democracy for two centuries and part of our heritage for more than 900 years.

A number of provisions in the bill cause me grave concern. In my view, some of these provisions breach protections that go back to the Magna Carta of 1215. I will speak about one. Any Australian charged or detained by police has a right to legal representation. That means being able to discuss freely, openly and in the strictest confidence with his or her lawyer the allegations and circumstances that brought him into custody. Based on the client's instructions the lawyer then puts the case of the detainee or the accused person to the court or the relevant tribunal. That is a vital and fundamental part of our cherished legal system.

It is an adversarial system in which the lawyer has a duty first and foremost to the court. He cannot knowingly mislead or lie to the court or tribunal. He is an officer of the court and has certain ethical rules that must be strictly followed and adhered to. These principles help to ensure the efficient administration of justice in New South Wales and in the Commonwealth of Australia. These principles ensure that justice, fair play and the rule of law are maintained. These are some of the time-honoured principles that underlie the fundamental freedoms we enjoy in our Australian democracy.

As one who appeared throughout his career as a solicitor and barrister for both the prosecution and the defence, I have grave concerns about provisions in the bill that require that contact with a detained person can only take place if it is monitored by a police officer. Clearly, this undermines the fundamental right of every Australian citizen to give instructions to his or her lawyer and obtain advice freely and confidentially. This

provision—proposed section 26ZI—effectively ensures that proceedings will not be conducted efficiently and expeditiously. It also ensures that the detainee is effectively denied access to the legal system and therefore access to justice.

Those who argue against this will say the bill provides that such communications between a lawyer and his client, as monitored by the police, are not admissible in court. If that is so, what is the purpose of monitoring the conversation in the first place? The only answer can be to gain further evidence or leads which may be the basis of further investigation. If their conversations are monitored, the lawyer who asks questions of his client in fact becomes the investigator. How can a lawyer obtain proper instructions and effectively represent his client if the conversations are monitored by the prosecution? He cannot. How can a lawyer apply to the Supreme Court for the revocation of a detention order or a contact order without proper instructions from his or her client? He cannot. All the lawyer can do is advise his client that he is being monitored and that he has a right to silence. Sadly, he will probably exercise that right.

How does that assist in the efficient administration of justice? It does not. How does it encourage the detainee to be honest with his lawyer and perhaps even give vital information to police which may be useful in preventing further terrorist acts? It does not. The monitoring provisions effectively deny access to the legal system, which is one of the central pillars of our democracy. No doubt some will say that proposed section 26ZI (6) (d) imposes a term of imprisonment for up to five years on a police monitor or interpreter who discloses information, including a detainee's defence or instructions to another person. If that is so, why have these monitoring provisions? It does not make sense.

To compound matters, proposed section 26ZQ provides that the law in relation to legal professional privilege is unaffected. That is nonsense. The High Court has held that legal professional privilege is a fundamental human right, which goes beyond merely privileged communication to the proper administration of justice. If that is so, the provision is nonsense. It goes beyond the detainee simply disclosing anything to his lawyer, because he is being monitored. The provisions as to the monitoring of lawyers in my view do not serve the interests of justice. They do not assist in the investigation of potential or actual terrorist acts. They will not promote the disclosure of potentially crucial information by detained persons to police or investigators. By denying confidentiality of lawyer-client conversations these provisions prevent full and open discussions. They do not allow any lawyer to fairly present a case on behalf of his or her client. And in so doing they effectively deny the detainee access to the legal system. We did not even deny that to Ivan Milat.

The portions of the bill that permit the monitoring are of great concern to me and to many of my colleagues in the legal profession. They open the door on our institutions, our values and our principles—principles and values that underlie the fundamental freedoms we as Australians enjoy today. The provisions effectively chip away at the basic rights and protections that we have embraced for centuries, that our forefathers fought for and that we as a democratic and fair society should regard as inalienable. In my view the provisions breach the Universal Declaration of Human Rights and certainly, as has been held by the High Court of Australia, the provisions requiring the monitoring of conversations with lawyers overturns centuries of legal principle and set a dangerous precedent that, I am sorry to say, may come back to haunt us.

As for the sedition laws of the Federal Government, they are an absolute disgrace. I point out to members of the Federal Parliament that these are the very same laws—sedition laws—that the Roman Governor of the day, Pontius Pilate, used to give Jesus Christ to the mob after he said, "I can find no fault with this man." Lest there be any doubt, let me be clear that I support the thrust of the bill. We need to destroy terrorism, but we must be careful at the same time not to destroy or to undermine the fundamental rights and protections enjoyed by all Australians in the process.

Mr PAUL PEARCE (Coogee) [11.02 a.m.]: I will support the Terrorism (Police Powers) Amendment (Preventative Detention) Bill, but with great reluctance. I have reluctance on two grounds. Firstly, whilst this bill, introduced by the New South Wales Government, seeks to preserve some of the fundamentals of the rule of law and acknowledge fundamental principles, including the right to liberty, the right to have the deprivation of liberty tested before a court, and the presumption of innocence, it does facilitate complementary Federal legislation which has many offensive and extreme features. Secondly, if, as is argued by the Federal Attorney-General, the proposed suspensions of basic liberties contained within the Federal legislation are necessary to prevent home-grown terror then in a very real sense the terrorists have already scored a victory. Whilst it can be argued that one of the core functions of a state is to protect the security of its citizens, it is equally true that a state, particularly one based on democratic principles, has a duty to ensure the liberties of its citizens. It is a balance that cannot be dealt with in a cavalier fashion. An authoritarian state can notionally preserve the security

of its citizens by use of repressive laws against dissent; a democracy cannot do the same. To quote the President of the Supreme Court of Israel, A. Barak, in the case of *Public Committee Against Torture in Israel v The State of Israel*:

> This is the destiny of democracy, as not all means are acceptable to it, and not all practices employed by its enemies are open to it. Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the rule of law and the recognition of an individual's liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties.

The bill is limited in scope. In essence it addresses the period of preventative detention between the first 48 hours and the maximum of 14 days. It is the necessary complementary legislation for this aspect of the Federal legislation because the Commonwealth Constitution effectively prevents detention without charges being laid for in excess of 48 hours. In effect, the Howard Government has required the States to facilitate the circumvention of the constitutional constraints by a reference of powers. It is worth quoting Mr Justice Kirby in a paper delivered in October 2001:

> The countries that have done their best against terrorism are those that have kept their cool, retained a sense of proportion, questioned and addressed the causes, and adhered steadfastly to constitutionalism.

To its credit, the New South Wales Government has not given the Howard Government the free hand to play fast and loose with basic civil liberties that it sought and that were contained in the draft bill put out, thankfully, for public information by the Chief Minister of the Australian Capital Territory. Unlike the draft Commonwealth legislation, the bill enshrines some protections for those persons potentially innocently accused. As stated by the Parliamentary Secretary in his second reading speech, the New South Wales scheme is judicial in nature—not administrative or personal as is the Commonwealth scheme. Only judges of the Supreme Court make both the initial preventative detention orders and final preventative detention orders. Unlike the Commonwealth scheme, which at no stage allows a hearing on the merits between the parties before the expiration of the detention, the New South Wales scheme allows, after the initial order, the person detained to be present with a right to contest the matter.

The contrast with the Commonwealth scheme, which contains a number of disclosure offences designed to keep the making of the preventative detention order secret, could not be starker. This recognition of appropriate judicial processes contained within this bill is to be welcomed. However, the protections within the bill should not blind us to the fact that persons detained under preventative detention orders have been charged with no offence, indeed may not have committed any offence—even under the dangerously broad definitions of terrorist acts contained in the Commonwealth law—and are being deprived of their liberty, in the first instance, on the reasonable suspicion of a designated Australian Federal Police [AFP] officer.

The term "reasonable suspicion" is disturbingly vague. On what grounds does an AFP officer form a reasonable suspicion? There is a very real risk that the practical effect of this wording will be a de facto racial or cultural profiling. In support of this concern I cite the effects of similar provisions in the United Kingdom that have resulted in disproportionate numbers of Asian and African persons being stopped, searched and questioned. There have been allegations that the London Metropolitan Police are, in effect, using racial profiling in the application of these powers. The other aspect of the wording "reasonable suspicion" is that for practical purposes a person may be deprived of their liberty, generally considered a sanction for a criminal act, on what is in reality the civil standard of proof. It is almost banal in the context of the Commonwealth legislation to refer to the provisions of statute 9 Henry III, better known as the Great Charter of Liberties of England, or the Magna Carta, that states, inter alia,

> that no free man be taken or imprisoned or disseised of his freehold or liberties or free customs or be outlawed or exiled or in any way harmed, nor that our Lord the King should go upon him or send upon him save by lawful judgement of his peers or by the law of the land, nor sell or defer or deny right or justice to any man...

The bill, regrettably, contains a provision, proposed section 26AI, that allows conversations between a person subject to a preventative detention order and his or her lawyer to be monitored. This is a significant departure from the principle that conversations between accused persons and their lawyers should be privileged. It should be noted, however, that under proposed section 26AI (5) such monitored communication cannot be used in evidence in any subsequent proceedings. A further protection against misuse of any monitored conversation is contained in subsection (6). In addition, proposed section 26AF entitles a detained person to contact the Ombudsman and the Police Integrity Commission in order to lodge complaints about his or her detention. The police cannot monitor such communications. Proposed section 26AO enshrines monitoring of the exercise of the powers contained within this legislation by the Ombudsman. Again I draw the House's attention to the lack of

any adequate oversight against abuse of process in the Commonwealth legislation, reliant as it is on the Commonwealth Attorney-General reporting to Parliament.

The bill further enacts a sunset provision, proposed section 26AS, 10 years after its commencement. The Federal Government resisted this provision; indeed, those parts of the Commonwealth legislation wholly under the legislative competence of the Federal Government contain no such provision. It is totally appropriate that laws enacted to respond to a specific set of circumstances should not remain on the statute book once those circumstances have ceased to exist. Such laws, if left on the statute book, have a potential to be used for purposes other than those originally envisaged. The bill does not contain the "lethal force" provisions initially desired by the Federal Government. Such provisions would have inevitably led to a tragedy of the type witnessed in London, where armed police gunned down an innocent man. Existing common law provisions and operational guidelines are more than adequate to protect a police officer exercising powers within the law.

It cannot be ignored that the bill has an undeniable impact on personal rights and liberties—both those within the common law and those recognised under international law. In summary, the bill, particularly when read in the context of the Commonwealth legislation, will impact on the right to liberty; the right to be free from arbitrary arrest and detention; the right to be presumed innocent until proven guilty beyond a reasonable doubt; the right to legal representation and to legal counsel of one's own choosing; and the right to confidential discussions with one's legal adviser.

As I have stated, this bill cannot be viewed in isolation from the Commonwealth legislation when considering the impacts on the liberty of citizens. The Australian Government is a signatory to the International Covenant on Civil and Political Rights. I refer honourable members to article 9, sections 1 to 5, of that covenant, which impose on the Australian Government obligations with regard to the right to liberty; not being subject to arbitrary arrest or detention; the right to be informed at the time of arrest the reasons for the arrest; and the right to be brought before a judge within a reasonable time. In addition, any person deprived of his liberty by arrest or detention is entitled to take proceedings before a court. Whilst a signatory government has a right to derogate from sections of the covenant in defined circumstances, as set out in article 4, such derogation must be necessary for the achievement of the purpose—namely, the derogation must be rationally connected to the achievement of the objective, and proportionate, and must impair rights to the minimum amount.

I put it to this House that the Commonwealth legislation, even in the form finally introduced into the House of Representatives, fails this test. I draw the attention of honourable members to those provisions pertaining to control orders. Even allowing for the changes in the legislation from the earlier draft, the Commonwealth legislation significantly impacts on the liberty of persons subject to these control orders. There is limited access to reasons for the order or the evidence on which it was based, and the nature of the provisions effectively reverses the onus of proof. It goes without saying that I doubt whether the Federal Government has considered the necessity, much less gone through the formal process, to derogate from its international treaty obligations. I expect it has not, given its generally dismissive attitude to international treaty obligations and multilateral bodies.

In the circumstances of the bill, and given its relationship to Commonwealth legislation, it is also appropriate to consider other aspects of the Commonwealth legislation. In particular, I draw the attention of honourable members to those provisions of the Commonwealth legislation concerning an expansion of the powers of the Australian Security Intelligence Organisation [ASIO] and the amendments to the Federal Criminal Code to include the offence of sedition. As I have already stated, given the complex nature of the relationship of this bill to the Commonwealth legislation, the impacts on civil liberties are cumulative. The significant expansions of the powers of ASIO are a case in point. Whilst the New South Wales Government has sought to include some provisions to respect the rule of law and give recognition to a citizen's basic rights of habeas corpus and the presumption of innocence, the amendments to the Australian Security Intelligence Organisation Act 1979 do no such thing.

These amendments, when read in conjunction with other changes to ASIO's powers since 2002, will see a massive extension of power and a consequent threat to civil liberties in Australia. ASIO now has extensive powers to raid homes or offices, take away suspects, interrogate and strip-search them and effectively hold them incommunicado, potentially indefinitely through the issuing of repeated warrants under sections 34A to 34Y of the ASIO Act 1979. The detainees need not be suspected of a terrorist offence if the Commonwealth Attorney-General so certifies, as provided for in section 34C of the Act. Section 34JB provides that if those detained seek to resist, force can be used against them and if persons refuse to answer any question or produce any material that ASIO alleges they possess, they face five years gaol. The Act effectively reverses the onus of proof. It should be borne in mind that ASIO previously had no powers of arrest or interrogation.

Unlike police prisoners, ASIO detainees have no right to silence. The December 2003 amendments effectively gag all public protest against or reporting of ASIO's use of its powers. Operational information is defined widely. It is now possible for ASIO to cover all of its operations in secrecy by obtaining a questioning warrant from the Commonwealth Attorney-General—a warrant I fear he would be all too ready to provide. Disturbingly, the current Commonwealth amendments to the ASIO Act extend these powers further particularly in relation to computer access warrants, and enhanced access to aircraft and vessel information, and further reverse the onus of proof in relation to a person's knowledge of whether a statement is false or misleading. Hence the defendant will bear the evidentiary burden.

No doubt there are many in the community who would argue that such powers are appropriate and would not be abused. Regrettably, even a cursory glance at the history of ASIO over its 60 years of existence would not support that confidence. Without going into its history in depth I would cite its questionable role in the Petrov defection; its intrusive role, under the guise of domestic intelligence gathering, against persons exercising their rights to freedom of association and freedom of speech during anti-Vietnam war demonstrations; its failure to properly advise former Attorney-General Lionel Murphy on aspects of the operation of right-wing terrorists; its still unexplained role in the Hilton bombing, aspects of which were raised in this House by several former and current members including the honourable member for Eastwood on 21 September 1995; its recently bungled raid that saw an innocent man and his family terrorised because ASIO had got the wrong address and then saw them destroy photographic and video evidence of the bungle; and its recent, ill-defined role in the expulsion of United States of America peace activist Scott Parkin, whose main offence seems to have been to lead protest actions against war profiteers, including Halliburton Corporation.

I will now turn to the other very disturbing aspect of the Commonwealth legislation, that of the inclusion of the antiquated offence of sedition into the Federal Criminal Code. This is covered in new section 80.2. In many ways this is the strangest and most disturbing of the legislative changes. Sedition by its nature concerns incitement to destroy or overthrow the institutions of the State. Terrorism, certainly of the nature currently confronting a number of Western nations, does not have as its objective the overthrowing of the State. On the contrary, rather than being directed toward the symbols of State power and government, it is directed, in a cowardly fashion, against civilians on an apparently random basis. The question therefore should be asked as to why sedition is part of this Commonwealth legislative package.

The Commonwealth's Anti-Terrorism Bill (No. 2) 2005 contains provisions that create offences for advocating the doing of a terrorist act. The definition of "advocating" inserted after subsection 102.1 (1) is designed to cover direct or indirect advocacy in the form of counselling or urging and providing general instruction on the doing of a terrorist act. It also covers direct praise of a terrorist act. The definition of advocacy is not restricted to the manner in which the advocacy occurs; it covers all types of communications, commentary and conduct. Given the breadth of this definition, combined with the wide definition of a terrorist act, there would seem little purpose from the point of view of achieving the Commonwealth's stated aims for the sedition clauses to be added to the Federal Criminal Code. The only outcome of the insertion of this antiquated offence will be to constrain freedom of speech, and legitimate criticism and questioning of government policy.

The wording of the provisions are such that legitimate opposition to the Vietnam war, support for Nelson Mandela and support for Fretilin in East Timor would all have fallen foul of these clauses. The so-called "good faith" defence is totally inadequate and places the evidentiary burden on the accused. The fears of many in the arts and media community and moderates within the Federal Liberal Party, and the fears expressed most recently in the report of the Senate committee, are fully justified. In conclusion, only time will tell whether the steps being taken today are necessary or are steps too far. Terrorism needs to be defeated, but to do so we need to be clear what are the causes of terrorism and our response needs to be proportionate. Further, rather than alienating communities and violating human rights, we should be working with and establishing relations with those communities whose support we need in dealing with political violence. Finally, I quote the United Kingdom-based Liberty organisation:

> It is vital that these involved in dealing with political violence must be independently accountable to democratic scrutiny and the rule of law.

Mr WAYNE MERTON (Baulkham Hills) [11.16 a.m.]: I am pleased to speak to the Terrorism (Police Powers) Amendment (Preventative Detention) Bill. The object of the bill is to amend the Terrorism (Police Powers) Act 2002, which is the principal Act, to give effect in New South Wales to the decision of 27 September 2005 of the Council of Australian Governments that States and Territories introduce legislation on preventative detention of persons for up to 14 days to prevent terrorist acts or preserve evidence following a terrorist act in order to complement Commonwealth legislation for preventative detention for up to 48 hours.

The Commonwealth legislation is an amendment to the Commonwealth Criminal Code set out in the Commonwealth Anti-Terrorism Bill (No. 2) 2005.

The principal features of the scheme for preventative detention orders in this bill are as follows. Preventative detention orders may be issued, on the application of a duly authorised police officer, in circumstances relating to preventing an imminent terrorist act or relating to preserving evidence of terrorist acts that have occurred. Preventative detention orders may be issued by the Supreme Court either after detention under the Commonwealth bill or directly without any such prior Commonwealth detention. The Commonwealth bill provides for initial preventative detention orders to be made by senior members of the Australian Federal Police for a period of up to 24 hours, and for continued detention for a further period of up to 24 hours to be authorised by continuing detention orders made by specially appointed judges, former judges and members of the Administrative Appeals Tribunal acting in their personal capacity.

Pending the hearing and final determination of an application for a preventative detention order, the Supreme Court may make an interim preventative detention order in the absence of, and without notice to, the person to be detained. An interim order remains in force for no more than 48 hours after the person is first taken into custody. A person may be detained under a preventative detention order that is not an interim order for a maximum period of 14 days. This maximum period is reduced by any period of actual detention under an interim order, another preventative detention order or an order under a corresponding law of the Commonwealth, or another State or a Territory, against the person in relation to the same terrorist act. Preventative detention orders may not be made in relation to persons under 16 years of age. A police officer or the person detained may apply to the Supreme Court for the revocation of a preventative detention order. The court may make a prohibited contact order that prohibits a person detained under a preventative detention order from contacting persons specified in the order.

I suppose the notion of terrorism in Australia is new to all Australians. It is a notion that certainly concerns the community, as we have seen horrific acts of terrorism overseas costing thousands of lives. Whilst it is Government legislation, the Opposition does not oppose it. I note that there are some differences between this legislation and that introduced by the Federal Government. The honourable member for Coogee spoke at length about civil liberties. He quoted a large number of authorities on the issue, and referred to entities and bodies that have an interest in civil liberties. I think very few people would not have an interest in civil liberty, and I believe it is important that in a democracy people are entitled to their civil liberties.

However, unusual and extraordinary circumstances demand responses that may not, in other situations, be appropriate. That is what this legislation is about. It is about meeting the threat of terror in Australia. Inevitably, when introducing legislation that gives extra powers to police, a balance must be struck between the rights of the State and the rights of the community at large. For many years the courts have wrestled with interpreting what is a correct balance between the rights of an individual and the rights of the community. I believe the legislation introduced by the Federal Government is for the greater good, to meet an extraordinary situation that concerns all Australians and that the Government must address.

Whilst some may think that the legislation places restrictions on people's civil liberties—undoubtedly it does—that must be balanced with the national interest. I believe that as legislators we must act responsibly. We have a duty to the people of New South Wales. Legislation such as this is necessary to ensure that measure of protection in very difficult and somewhat unusual circumstances. I suppose if someone had suggested 15 or 20 years ago that Australia would face a very real threat of terrorism, many would not have accepted that and would have said it will not happen. But the world since September 11 is a different place. There does not seem to be any sign of stability.

I believe that the decisions that have been made at the national level are the correct decisions, and that we have no alternative but to combat the threat of terrorism. A policy of appeasement, in the hope that terrorism will not happen here, simply will not work. We recall that in the 1930s—I read about it, and I saw it on video—Neville Chamberlain stepped off a plane, produced a piece of paper, and said there would be peace in our time.

Mr Alan Ashton: And he was cheered everywhere.

Mr WAYNE MERTON: And he was cheered. But a few months after that happened the Germans marched into Paris, and then it was all over.

Mr Alan Ashton: Chamberlain was a populist.

Mr WAYNE MERTON: Chamberlain was a populist who was unfortunately misguided. Appeasers might be popular but at the end of the day their record does not stand up to scrutiny. We all know about the harm and havoc caused by the Second World War. Hitler's rise to power and his plans received no setback through his dealings with Chamberlain. Neville Chamberlain, by omission, gave Hitler the nod that he did not have to do anything. After Neville Chamberlain produced the piece of paper that said, "Peace in our time", he added that Hitler had told him privately that once Germany's claims in Sudetenland were completed there would be no other claims. The honourable member for East Hills, as a historian, would no doubt agree with that.

The Opposition certainly does not oppose the legislation, which all Australians States and Territories have agreed in principle to enact. The legislation seeks to replicate, albeit with some differences, the Commonwealth legislation. Its object is to amend the Terrorism (Police Powers) Act 2002 to give effect in New South Wales to the decision to introduce legislation on preventative detention of persons for up to 14 days to prevent terrorist acts or preserve evidence following a terrorist act. This is to complement Commonwealth legislation for preventative detention for up to 48 hours. The New South Wales terrorism provisions are judicial, in that the initial and final preventative detention orders may be issued only by judges of the Supreme Court. Of course, a judge of the Supreme Court is a person of great judicial seniority. The Supreme Court is a body that is, I believe, held in high esteem by all people in New South Wales. Under the legislation, a Supreme Court judge would be empowered to make the initial and final preventative detention orders. The legislation is the result of a well-publicised meeting of the governments of all States and Territories. Premier Morris Iemma and all the other Labor Premiers attended—

Ms Linda Burney: There are plenty of them.

Mr WAYNE MERTON: Not for long! The wheel is going to turn and then it will be a different story. But we will not talk about that now. I get the impression that some Government members are very reluctant about supporting this legislation. I say to them: If you are reluctant about it, if you have all the doubts about it that you have indicated today, this is your chance to do something about it. Last week I spoke about a leap of faith. I challenge Labor Party members who believe this legislation is wrong, who do not believe in it, to exercise some gumption by voting according to their conscience. I think Government members are wrong in wanting to do it this way, but if they really do not believe in the legislation they should cross the floor and vote against it. For once we will join Government members. I challenge Government members to call a division. You do not have to be a Whip to call a division—

Ms Clover Moore: We'll be calling a division, don't worry about that.

Mr WAYNE MERTON: Thank you, Clover. The honourable member for Bligh is a person of commitment. I do not necessarily agree with her on a lot of issues, but at least she has the guts to stand up and vote for what she believes in. I think she is wrong, and I want there to be no dispute about that—

[*Interruption*]

I will not mention the member by name, but it is very obvious from the tone of his speeches that he is being led along, with his hands behind his back, saying, "We really support this, but my hands are being held behind my back. There are a lot of problems with the legislation. It doesn't do this, it is too draconian, and there are lots of issues with it." But at the end of the day, what are Government members going to do? Are they going to support this legislation?

Mr Alan Ashton: Yes.

Mr WAYNE MERTON: Even though I detect that some members—I will not name any of them—do not believe in the bill. In a democracy they are entitled to hold that belief. Good luck to them, but we say they are wrong. We say that in the greater good, in the national interest, legislation like this is necessary. With the greatest respect I do not know whether Mr Acting-Speaker is enthusiastic about this legislation. I will just leave it at that.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Baulkham Hills has been a member of this House long enough to know that he should not involve the Chair in bipartisan political debate. If he does so, he will be called to order.

Mr WAYNE MERTON: I know. Mr Acting-Speaker is a fair man. He and I seldom do not get on. If Government members do not like the legislation and believe it is wrong, they should vote against it. It is as simple as that. As an Opposition we will not oppose the bill. It is not our legislation. It is the Government's

legislation, but the Federal Government came up with the idea. The Premiers met, they agreed, and the job now is to implement the legislation.

Ms LINDA BURNEY (Canterbury—Parliamentary Secretary) [11.30 a.m.]: As many speakers have already noted, the bill amends the Terrorism (Police Powers) Act 2002. I do not intend to analyse the bill. There have been some fantastic speeches in the debate, particularly from Government members. However, I do want to relate to the House the broad feeling of many people in the Canterbury electorate. Our basic role in this House is as lawmakers, and the bill is a challenge to every member of the House. In the last five or 10 minutes of his contribution the honourable member for Baulkham Hills made the point, in his typically way, that every member on this side of the House who spoke on the bill supported it reluctantly. That assessment is unfair because we speak on behalf of our constituents, believing as we do in decency, democracy and social justice. In many ways the bill tears at those tenets because the decision we make in relation to the bill comes from our hearts, but we must be pragmatic as well.

The bill fulfils the Government's commitment made on 27 September at the Council of Australian Governments [COAG] meeting. I enthusiastically and sincerely commend the Attorney General and his advisers for the role they have played. The Attorney's advisers from the Attorney General's Criminal Law Review Division are in the Chamber. They have done a magnificent job in implementing the COAG agreement in a more humane, just and intelligent way than the Federal Government. Terrorism is a challenging issue and it is clear that debate on the bill follows the position taken by the Federal Government. The general community finds that difficult to do. Members can see from the many pieces of correspondence received in their electorate offices that the community is extraordinarily disturbed and upset about the legislation. Members of this Chamber reflect the feelings of the community, and we have similar feelings. Chrissie Ianssen lives in Hurlstone Park in the Canterbury electorate. Part of her correspondence to me reads:

> I wish to lodge my opposition and concerns over the counter-terrorism laws currently being considered by both Federal and State governments. These laws remove important democratic rights and in my view constitute a surrender in the war on terrorism. I condemn terror but I also condemn these laws that compromise our basic human rights and our democracy.

A moment ago I mentioned the role of the Attorney General and his department. Their approach is in stark contrast to the way the Federal Attorney-General is handling the issue. Although it may not relate specifically to the bill, I want to remind the House that Philip Ruddock got a standing ovation at the last Liberal Party conference for his record. His record includes the following: Tampa, Siev-X, children overboard, the administration of the Immigration Department, Rau and Alvarez Solon. That is his history. He has brought those matters into our community—not to mention fear, loathing and division. I strongly reject that sort of approach and I am pleased that it has not been the approach taken in New South Wales. Many members have spoken about the sedition provisions in the Federal bill, but I will not take up time talking about them.

Recently I had a discussion at a meeting of the Campsie branch of the Australian Labor Party with people who are primarily from an Arabic background. They are intelligent, thinking people who are very aware of this debate surrounding the bill. Many people who live in the Canterbury electorate have lived overseas. Because of their life experiences those people and their relatives and families understand what this debate is about. We look at the world today, we see what is going on in Zimbabwe and Ghana, and we see the way in which the leaders of those countries have abused and continue to abuse their citizens.

As we have heard, the first 48 hours of a suspect's detention is under the jurisdiction of the Commonwealth and New South Wales then has jurisdiction. Under New South Wales legislation detainees can at least call their loved ones, people with whom they share houses, work colleagues or employers to let them know what is happening to them. Nothing of that nature is being considered in the Commonwealth bill. Under that legislation, a person can be gaoled for revealing where someone is detained. Other speakers, particularly the honourable member for Coogee, have noted that if the proposed sedition provisions had been in place for the past few years many of the present leaders in this country would have been locked up, including a number of members of this House. I refer to members who were Communists, members who protested against the Springboks and members who have been gaoled. There is a touch of irony there.

The Federal legislation seeks to impinge on our freedom of thought, speech and association. That is disturbing. There are people in the Canterbury electorate from South America, Africa and pre-war and post-war Europe. They have had various life experiences and they understand the slippery slope that legislation such as this can put any country on. I am happy to see young people in the gallery today because this debate is about the way we see ourselves as a nation and the way we view democracy and how people should be treated. We are not happy about this legislation but we understand it is necessary. We accept that the Minister and the Attorney

General have worked hard to make the legislation resulting from the agreement reached at the Council of Australian Governments meeting as humane and decent as possible. I reluctantly commend the bill to the House.

Ms CLOVER MOORE (Bligh) [11.41 a.m.]: The threat of terrorism means that we need to do everything we can to protect our community. We need to take the necessary steps to make sure that New South Wales is as safe and secure as it can be and that we can respond strongly if the need arises. For many years there has been a broad acceptance in the Australian community of a reasonable balance between law enforcement and individual civil rights. The very real threat of terrorism, with recent attacks around the world, means that it is time to reconsider the balance. But public debate is central in striking the right balance for our time, and I am very concerned that the debate on this new legislation is being rushed by the Federal Government and is now being rushed by the New South Wales Government.

In relation to community safety measures like closed-circuit television cameras, which can be extremely useful in preventing or investigating terrorist activity, I have no hesitation in committing the city of Sydney to working more co-operatively with the New South Wales police. But some aspects of this bill are far more invasive and more difficult to justify. Adequate public debate is essential before we agree to give away some of the human rights which are central to our way of life. We also need to ensure that these changes do not compromise our identity and character as a welcoming and inclusive community. This week I welcomed 500 people as Australian citizens and I talked about the Australian community being diverse and inclusive. With this legislation, I question whether I will be able to continue to say that. The real debate is to what extent we will allow the threat of terrorism to change our way of life and our view of ourselves as a community. I do not want Australia to become an insular, suspicious, divided and racist nation.

Striking the right balance in response to the threat of terrorism is what matters now. On Thursday 7 July 2005 four devastating bomb explosions in London tragically killed more than 50 innocent people and injured approximately 700 others. We have subsequently witnessed further attacks in London and many other disturbing incidents throughout the world, including recent terrorist attacks in Egypt and continued attacks in Iraq. The unforeseen and indiscriminate bombings in London resonated strongly with many Australians: the British people have a very special place in our history and culture, and the locations of the bombings are familiar to many of us. We have been shocked and appalled by the attack on London and its visitors, including Australians. My own daughter is overseas and I feared she may have been in London on the day of the 7 July attacks.

On Friday 8 July 2005 I sent condolences to Mr Ken Livingstone, Mayor of London, and to Mr Tim Holmes, Consul General at the British Consulate General in Sydney. On behalf of the people of Sydney I extended to them and their fellow Londoners our deep and sincere sympathy and our support for those injured in the attacks, for the service personnel dealing with the situation, and for the families and friends of those affected. I endorsed the vow of London Mayor Ken Livingstone that we will not permit terrorism to destroy our society and the peaceful multicultural make-up of our city.

When the Premier introduces legislation that he himself describes as "draconian", members of Parliament have a responsibility to be certain that the benefits of the legislation clearly outweigh the costs. We need to consider carefully whether there is a clear and imminent danger of such magnitude as to warrant our surrender of some important, long-held rights. So far we have been given little evidence of that. If there is evidence of such a danger, we have a duty to carefully assess whether the measures proposed will lower the risk of significant harm to people. However, there is no indication of how detaining innocent people will achieve that. Only with this information can we engage in a meaningful debate on whether the proposed loss of rights that has so alarmed my constituents outweighs the benefits that these extreme measures will supposedly bring. As George Williams, Professor at the Gilbert and Tobin Centre of Public Law, warned us several years ago:

> We must not pass laws that damage the same democratic freedoms we are seeking to protect from terrorism.

For members who take this responsibility seriously, the first difficulty is that we are given so little time or information for making such crucial judgements. We have just witnessed the spectacle in Federal Parliament of rushed legislation being found to be flawed after the briefest consideration by a parliamentary committee. Now we are being rushed to pass New South Wales legislation that is complementary to Federal legislation that is likely to change before it is passed. The Government should follow the example of the Victorian Government and let its legislation wait until Parliament resumes in the New Year. We have been given no good reason to rush this legislation. The primary purpose of the New South Wales bill is to allow the internment of people who have committed no crime. They will not have broken one of the 21 pieces of new anti-terrorism law passed over

the past four years. The police, using current authorisation powers, could have covertly watched and recorded their every move and contact. If they had made even preliminary preparation for a terrorist act, they could have been arrested. My constituents, too, worry about the lack of time and consultation over this bill. One stated:

> The lack of consultation and the rush to get this legislation through Parliament smacks of ill-considered thinking and little care for the impacts on the Australian way of life and the Constitution.

Professor George Williams said:

> It may be we've had a successful COAG meeting with all of the leaders, it may be the solicitors-general have had a good look at this, but it's just no substitute for democracy, it's no substitute for a proper debate in Australia where people get enough time to think about the issues, to talk about them in the media and in their communities, and to make sure that the politicians hear what they've got to say, and politicians ought to be responding to that type of debate, not just to what has been decided often behind closed doors in COAG and elsewhere.

The costs of the latest New South Wales terrorism bill are large, with the loss of some basic rights that we have taken for granted for generations and for which thousands of Australians have died in war. But the benefits are much less clear. My constituents are alert and alarmed about that loss of rights. Here is some of what they want me to say to Parliament. One constituent stated:

> The freedom our country experiences is one of the most valued qualities we have. There will never be enough security laws to cover every possible risk to our country.

Another stated:

> On the available evidence, it has not been shown that the proposed laws will help combat terrorism … The presumption of innocence, which is the core value of our criminal system, is undermined in the proposed legislation.

One constituent said:

> This proposed legislation strikes at the very heart of our democracy—we specifically object to—the lack of burden of proof on government authorities.

Finally, another stated:

> If Australia claims to be a Free and Democratic country, then instigating the draconian "anti" civil liberty laws under the guise of "anti" terrorism laws is surely an exercise in hypocrisy!!!

The bill has many suspect areas that deserve detailed consideration and I ask the Government to give us the necessary time to do so. The Public Interest Advocacy Centre [PIAC] is one of the few groups that have had the resources to examine the New South Wales bill in detail, as many groups are justifiably focusing their attention on the even more draconian Federal legislation. The PIAC's submission on this bill runs to 24 pages, with critical comment on 30 clauses, and several additional clauses proposed. I have an opportunity to highlight only some of the clauses of greatest concern to me. Rob Stary, head of the Victorian Criminal Defence Lawyers Association, said on ABC radio:

> These new laws represent the most fundamental attack on the fundamental cornerstones of the criminal justice system. They remove the presumption of innocence, they remove an accused person's right to have the matter litigated in court, they remove the State's obligation to prove a case beyond reasonable doubt. And invariably, these cases are conducted in secret circumstances.

Under the bill's preventative detention powers Australians may face imprisonment without criminal charge. Freedom from arbitrary arrest and detention is a fundamental right contained in the International Covenant on Civil and Political Rights. With Amnesty International, I oppose any government detaining a person unless they are charged and prosecuted for a recognisable criminal offence. One cannot reconcile the fundamental notion of people being presumed innocent with people being detained without charge. Our criminal justice system must retain protections such as the burden of proof, standard of proof and rules of evidence. In this context I refer to what the Auxiliary Bishop of Canberra Goulburn, Pat Power, said in *Online Catholics: an independent Australian e journal*. In relation to the bill, Bishop Power said:

> Anyone who is relaxed and comfortable about the proposed anti-terrorism legislation might care to read Chapter 23 of Luke's Gospel.
>
> Jesus is dragged before Pilate accused of sedition. The trumped-up charges are laid but Pilate returns a "not guilty" verdict. The accusers become more insistent, so the cowardly Pilate orders a review, sending Jesus the Galilean off to be examined by Herod.

> The new trial simply shows up the shallowness of Herod's character. The upshot is Jesus' eventual crucifixion and two old enemies, Pilate and Herod, becoming good friends. It is amazing how anti-terrorism measures bring together unlikely allies!
>
> It often occurs to me that the greatest enemy of love is not hatred but fear. There is no denying the climate of fear currently so prevalent in Australia and many other parts of the world.
>
> It is in this climate that our country is facing a range of anti-terrorism laws which have wide-ranging, yet quite unclear, ramifications. Such is the atmosphere of secrecy that Jon Stanhope, ACT Chief Minister, is reprimanded for sharing with his constituents some of the details of the proposed laws.
>
> Proper scrutiny of the legislation is inhibited by the unseemly haste with which it is being presented. This has been the objection of Jon Stanhope and the concern of the Australian Catholic Social Justice Council and many other thinking Australians. "Act in haste and repent in leisure" is their warning.
>
> It is not enough of the Prime Minister to say "Trust me" and expect the rest of the population to commit itself to serious limitations on our human rights.
>
> Nobody questions the need for measures to be taken to guard against terrorist attacks. What is questioned is the way we seem to be going about it.
>
> The Jubilee Year 2000 heard the call for debt-relief for poorer countries locked into impossible burdens preventing them from providing their people with the basic necessities of life. The United Nations Millennium Development Goals present a further program which would enable the people of the world to share more equitably in its resources.
>
> In the lead-up to the invasion of Iraq, I argued strongly that we should be talking more about a war on poverty and less about a war on terrorism. I am even more convinced today that it is only by showing that it cares about the welfare of all people of the world, that the West will persuade its "enemies" that it is serious about world peace.
>
> Much of the U.S. approach is one of threatening and bullying (talk of "axis of evil" etc.) and it is little wonder that so much hostility is generated towards the Americans. Clearly Australia needs a robust relationship with the U.S. but we also need to distance ourselves from the extremism emanating from that quarter.

Bishop Power then refers to James Dunn, the former Australian diplomat and consul to East Timor, who has some sound advice. Bishop Power continued:

> He advocates for "better diplomacy in relation to the root causes of the (terrorist) threat. By subordinating ourselves to the Bush Administration, we have become targets for many of its enemies. If Australia were to work more through the UN and regional security forums, we could become a lesser target for extremists, win more respect as an independent caring people, and at the same time play a more effective role in dealing with the causes of the terrorism that is troubling our world".

[*Extension of time agreed to.*]

Bishop Power continued:

> Pope John Paul II frequently reminded us that there can be no genuine peace without underlying justice. We can hardly lay claims to living in a just world where there is such disparity between rich and poor people. Being serious about reducing that gap is surely a positive step towards harmony among peoples. In such a climate, terrorism becomes less of an issue.

I suggest to the House that we should be echoing what Bishop Pat Power has said this week; we should not be rushing this legislation rush today. I turn now to the detail of the bill. Under proposed section 26O, the rules of evidence will not apply in hearing an application for a preventative detention order. This means that hearsay and rumour can be presented to the court. Under proposed section 26P the court must be closed to the public, and the court can order the suppression of any evidence. Under proposed section 26H a court can issue an interim preventative order without the suspect being informed of the proceedings. Under proposed section 26ZA a police officer detaining a person under an interim detention order need not tell the person of the order if this is impractical, and the language can be vague.

Under proposed section 26Q, police trying to detain a person under a preventative detention order [PDO] can use normal powers. If the suspect tries to resist or escape, possibly because they do not know of the PDO and it has not been explained carefully, police could use force. As in Great Britain, the person could run and be shot. After all, the detention order requires that a terrorist act is imminent or has just occurred, so police will be very jumpy and suspicious. Under proposed section 26Y the detainee is to be given a copy of the detention order "as soon as practicable" after being detained. But the police officer detaining the person need only give a summary of the grounds; the supporting information can be withheld for national security reasons. Under proposed section 26X a detainee may be held in prison, although it is counter to international human rights law to hold a person in prison without conviction. Under proposed section 26R detention is supervised by a different police officer to that implementing the detention order, but not by an independent authoritative body such as the Police Integrity Commission. Honourable members should remember, as Rob Stary put it:

> These people are all innocent, there is no suggestion that they are or have been engaged in some form of overt act... Now invariably, these things are going to be conducted in secret court. There'll be suppression orders, they'll be invoking the National Security Information Act, because of the very nature of the proceedings, that is, where it's said to represent some sort of threat to national security, nobody's going to know about these preventive detentions or control orders.

The situation facing children aged 16 or 17 years is equally disturbing. The bill breaches a different international human rights standard, the International Covenant on the Rights of the Child. I stand with the Women Lawyers Association of New South Wales in opposing all measures that aim to introduce preventative detention in respect of young people aged between 16 and 18 years when no criminal offence has been committed. As the association argued:

> Not only would such measures breach the fundamental rights of children under CROC, it establishes a system which entrenches a lack of rights for some of the most vulnerable and powerless members of society.

Under proposed section 26ZH an adolescent can have only two hours contact with their family daily. I agree with the PIAC that an adolescent or a person with special disadvantage should be able to be accompanied at all times by an independent person, preferably a close family member. The new bill, with its ten-year life, does not even meet the conditions set down in the Terrorism (Police Powers) Act 2002, which requires the Minister to report to Parliament each 12 months on whether the legislation is still necessary to meet an ongoing terrorist threat. The bill should not be passed; if it is, the review period should be 12 months so we can amend and improve such rushed legislation. The Chief Executive Officer of the PIAC, Robin Banks, has called on the Government to delay the bill. He said:

> There is no national urgency for this bill. The Victorian Government has given the community until February 2006 to consider the equivalent Victorian Bill, and the Federal Bill, which the NSW Bill is to work with, is not yet passed and may well be amended this week as a result of the Senate Committee Inquiry Report.

I concur that this bill should be referred to a parliamentary committee for close examination and public debate.

Mr STEVE WHAN (Monaro) [11.57 a.m.]: Like all my Government colleagues who have spoken today, I reluctantly support the bill. I am sure honourable members would agree it is regrettable that such legislation should ever have to be introduced into Australian parliaments. I have received a number of comments from constituents which I shall refer to in this debate. However, before I do so I acknowledge the contributions made by Government members and the in-depth assessment they have made of this bill and the Federal legislation. Many of them, in conjunction with the Attorney General and the Premier, also played an important role in ensuring that the New South Wales legislation is much fairer than we thought it might have been when John Howard started talking about such measures.

The people of New South Wales have been well served by the members of this Parliament who had an input into that, particularly those with legal experience, which I do not share. So my comments will not relate to the legal depths of the bill. I have received a number of emails and messages from constituents who are concerned about the way the terrorism legislation is proceeding in Australia. Many of them focus on the Federal legislation, particularly as it provides for the inability of people who have been detained to contact and talk to their loved ones.

I shall give a few examples. I received an email from Elenore Karpfen of Jerrabomberra. She was concerned that we would be following the lead of the United Kingdom and that these laws may be used at some stage to stifle dissent in Australia. I think she is particularly referring to the Federal laws. In a phone call, Russell Crouch of Queanbeyan expressed concern about the anti-terror laws, particularly the way minors were treated, and about laws relating to sedition, which again is an aspect of the Federal law. Ann Koeman of Thredbo talked about her concern about freedom of speech, sedition laws, and preventative detention. Those people are among a number who have contacted me and my office to express concern about the bill. The New South Wales Government has made a strong effort to include in its legislation safeguards that those people would be pleased about, even though they may not be pleased with the overall direction of the legislation.

Some honourable members have already highlighted the safeguards in the New South Wales legislation. I want to highlight the upper limit, the 14-day maximum period, of detention. One of the really fundamentally upsetting things about detention around the world—particularly in the United States of America—since the threat of terrorism arose is the way that Guantanamo Bay has been used to detain people without trial for years and years, and, for some, with no prospect of trial. It is a disgrace for a free democratic country like the United States of America to do something like that. It is an important achievement that the Premier has included in this legislation a maximum limit on preventive detention and that he has introduced a number of judicial review safeguards that the Commonwealth seems reluctant to include. That is important and should ensure that Australia does not see a repeat of Guantanamo Bay.

We can all sit back and say that Australia is different and that that will not happen. But we have seen John Howard's record with the detention of people in immigration detention centres for indefinite periods. We should never take any sort of freedom for granted in this country. The State legislation also provides that preventative detention orders cannot be made for people under 16 years of age. It extends much further, by enabling a person who is in preventative detention to contact family members, people they live with, their employers, and others. Again, that is very important, something the Commonwealth does not seem to be taking note of.

As I said, there is great concern in the Monaro electorate about what is happening with these laws. Recently I attended the Eden-Monaro Federal electorate council [FEC] of the Labor Party in Eden-Monaro, where a lot of time was spent discussing both the Federal and State laws. Members there expressed concern about where the Federal laws were heading and they carried a number of motions about the State laws. That was before this legislation was released, so they were not able to see it. Some of the protections in this legislation would have satisfied some of the issues raised by the Eden-Monaro FEC, but certainly the Commonwealth laws are still of great concern.

Most of the people who contacted me have expressed strong concern about the Commonwealth sedition laws. I am not going to go into them in detail because other honourable members have already done so very well and expressed their concern about the way these laws could be used. I have been concerned since this debate started, as have most members of this House, about the way Muslims in our community have been tarred with the one brush. There is not a large Muslim community in the Monaro electorate but there are a number of Australians of Muslim faith who are an excellent and very valued part of our community. They should not be tarred or smeared, certainly not to the extent of people reacting to their name because it sounds as though they come from a Muslim country. It is disgraceful to see that happening. The Commonwealth laws have even managed to raise the ire of the *Daily Telegraph*. When a conservative organ like that expresses concern about freedom of speech, the Commonwealth Government needs to take that into account.

Mr Michael Daley: A bit of self-interest.

Mr STEVE WHAN: Whatever the reason, it is nice to see that newspaper taking a stand on principle on this occasion. Australia has an important democratic tradition, and it is something we have been proud of. I suspect that many members of the Howard Government assume that Australians take the view that nothing bad can happen here, that no restriction of their rights can happen here, that it all happens to someone else. We must heed the lessons of history. Having a democracy does not always mean one's freedoms are protected. Some people wish to abuse the powers they are given. If the Federal legislation is not amended—if the Senate does not pass its amendments—it will likely be abused. Australians are right to express concern about that. I note also the strong attack by Malcolm Fraser on the Howard Government, and not just in relation to this legislation. He was critical of things like Tampa, and so on.

Mr Thomas George: Have you read Mark Latham's book?

Mr STEVE WHAN: A member of The Nationals is interjecting. I wonder where The Nationals stand, because so far not a single member of The Nationals has spoken on the bill. Do they have an interest in freedom in Australia at all? There are some important points about which the people in the Monaro electorate are concerned. The State legislation has gone a long way to meeting those points, although I understand there are still concerns. I place on record my continuing concern about the Federal legislation.

The honourable member for Baulkham Hills said that a lot of the bill has to be taken on trust. Most Australians I talk to are not willing to take John Howard on trust. We have seen the way he is willing to use whatever levers are at his disposal to get people to agree with his ideology. We see that through industrial relations. We see him using funding agreements to push people into individual contracts. Let us not be in any doubt that he will continue to use whatever levers are at his disposal to try to eliminate dissent from his position. That is why people are fearful of the laws the Federal Government is introducing. That is why they are right to continue to put pressure on John Howard to modify his legislation. I reluctantly endorse the State legislation. I congratulate the Premier and the Attorney General on introducing a number of important safeguards, and I congratulate my colleagues on this side of the House on their well-researched positions on the bill.

Mr ROBERT OAKESHOTT (Port Macquarie) [12.07 p.m.]: I am concerned about the Terrorism (Police Powers) Amendment (Preventative Detention) Bill, and I will oppose it. I do so, on balance, because of a couple of issues. One is that the substance of the legislation encroaches into many individual freedoms of

movement, freedom of association and freedom of political communication that for so many years so many people in this country have fought and died for to protect. The second is process. The Commonwealth legislation is only now passing through the Commonwealth Parliament. This bill is supposed to function in parallel with the Commonwealth legislation. Other States, such as Victoria, recognise that and will not introduce their legislation until February next year. By pushing this bill through before the Commonwealth passes its legislation through its upper and lower House, our government is putting the cart before the horse.

I am concerned about our passing legislation before the Commonwealth does, and not only from a process point of view. This Government can be criticised for exactly the same reasons the Federal Labor Party Opposition criticised the Howard Government for the 24-hour process of pushing the legislation through the Parliament. Where is the difference? We are being asked to deal with the bill in an extremely quick timeframe despite the fact that the Federal colleagues of the New South Wales Labor Government have been incredibly critical of the Howard Government for providing only a very short window to debate its legislation.

This is rushed legislation. There has been no opportunity for members of Parliament to consult widely, both with our communities and with interest groups. I have had contact with only one interest group, the Public Interest Advocacy Centre. And that was only by chance: I bumped into its representatives in the corridors and had a five-minute briefing. I have not had the chance to go back to my electorate and to talk at length with my constituents. That would be the case with every member of this House. I have not spoken with a single policeman who has said that the existing powers in this State are not sufficient for police to do their job. However, I have had plenty of conversations with police about the lack of resources in New South Wales and the effect that has on their ability to do their job.

Dealing with an ongoing, imminent threat and a grave danger to all of us—and believing the Government's assumption, which I think it is fair, that there is an ongoing threat to all of us from acts of terrorism—is a resourcing issue, not a legislative issue, both in this State and in this nation. If the Government is going to deal with this as a priority, the priority is an economic one of resourcing, to enforce existing legislation and make sure that can be used by authorities to deal with the ongoing and imminent threat. The "on-balance" argument is that I have to give up some of my and my family's freedoms of movement, association, and political communication. I am unconvinced that we need this legislation passed by this place to deal with an ongoing and imminent threat that we are told exists.

I turn now to the substance of the arguments. I wish to counter some of the perceptions that sometimes float around this Chamber. I represent a Mid North Coast electorate, a coastal electorate outside the city. Contrary to some comment I have heard in this debate, my electorate does not have a large ethnic community or a large community of people from non-English-speaking background. But the substance of the bill is a threat not only to minority groups, which have been discussed and defended in this Chamber, but also to the majority of Australians. I speak primarily in defence of them today, as well as the minority groups affected. We will all fall on one side of the issue or the other, for example, on the constitutional freedoms that might be under threat. I reiterate that I am a strong believer in those constitutional freedoms. The best way to protect our democracy from any threat is to defend those freedoms strongly and protect them, whether from terrorists, gang rapists or murderers. Whatever the threat may be to our democracy, our best defence is our freedoms and our Constitution.

Earlier today I was concerned to hear members say there are times when it is understandable to flirt with the Constitution. They were not the exact words but that was the implied message. In many ways that is the point in this debate. I do not think there are times when the Government has the right to overstep the Constitution. We are a constitutional democracy and when we are under threat and challenged, our safe port of call is our Constitution. We stick by what was written by our forebears. That is where we go when we are in trouble. What we are doing today is in so many ways overstepping our Constitution and looking for a different port of call—government. A whole area of law deals with how government encroaches on the individual in our society. From a principled point of view this bill is not so much about terrorism or preventative detention; the principles behind it are about the government and the state encroaching into individual rights and freedoms. On balance, that is where my concerns lie.

I am a believer in the rights of all of us as individuals and our constitutional freedoms: of movement, of association and—the one that I think would be of particular interest to all members, and the one that there have been so many fights about in our short history as a country—of political communication. The point has been made that some members in this place would potentially have been affected if this bill had been passed 30 or 40 years ago. Potentially good members of Parliament in future may not have the chance to become members of Parliament—because they are in the clink as a result of this legislation. From my conversation with the Public

Interest Advocacy Centre [PIAC] I wholeheartedly endorse its concerns and its "on-balance" argument that preventative detention orders offend the longstanding and well-founded principles that prevent the State locking away people who have not committed a criminal offence. It is an affront to Australian society and against everything we stand for if one of our citizens is locked up here without having committed an offence. The PIAC strongly argues that the bill is not necessary and that it offends rights and freedoms impermissibly.

No government in Australia has yet been able to publicly articulate why this model of coercive and criminal powers will be effective and, more importantly, why the powers are required. I refer to excerpts from the PIAC submission to the Senate Legal and Constitutional Committee dated 11 November 2005. I endorse the comments that were made to me in the corridors that the bill does affect longstanding principles. *Control of Government Action*, a book on administrative law and the control of government actions, is relevant to the debate today. I do not know whether members have referred to habeas corpus; I imagine some would have. The opening sentence of this book is powerful and is relevant to all of us today. It says:

> The writ of habeas corpus has been called "the greatest of the great prerogative remedies", a writ with a grand purpose: the protection of individuals against the erosion of their right to be free and from wrongful restraint upon their liberty.

Surely that is what this debate and our focus should be partly about. We are challenging the individual liberties and rights of all Australians—not just minority groups but the majority of Australians. That will start a whole legal process.

There has been comment about Howard's legislation and how Howard likes to be compared with Menzies. Menzies tried to ban the Communist Party, and at that stage in history the High Court protected the freedom of this country. But history may well repeat itself: the High Court may be called upon to completely overrule this legislation, just as it was asked to do in respect of the Communist Party Act in the 1950s, and we may find ourselves reliving history. On balance, I do not buy the assumptions in this legislation. Speaking for myself and on behalf of my electorate, I am not convinced that terrorism is a new phenomenon. It is with regret that I say that terrorism and terrorist acts have been around for a long time, but the assumption behind legislation such as this is that we are entering a new and extraordinary era. The word "terrorism" may be new but acts of terrorism and the reasons behind them have been around for a long time.

I do not buy the assumption that we are living in extraordinary times. I believe that these are very ordinary times and I find it offensive to hear that we are at war. In my view we are a country at peace. It is almost disrespectful to those who have lived through war to compare those times with what is happening today. We are lucky to live in peaceful times, albeit with an imminent threat of terrorism on our doorstep. There is also the imminent threat of murder, gang rape and child sexual assault, and we—as a Parliament and as a community—need to be vigilant in dealing with each of those threats. It is for that reason that I say this is not a legislative issue but a resource issue. It is not good enough to simply attack our freedoms. We have to deal with this issue as a priority in order to protect the communities we represent. We should be doing all we can to protect and not hinder our freedoms.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [12.22 p.m.]: I support my colleagues on both sides of the House who have contributed to the debate. This bill, as we have been told, fits hand in glove with the Commonwealth legislation. Essentially it relates to Australia's response to the global threat of terrorism—a threat that the honourable member for Port Macquarie says he does not agree with. I concur in some respects with his sentiments about what it means for Australia and what it should mean. The laws introduced into the Federal Parliament relating to control orders and sedition have been the subject of a great deal of debate and I do not propose to delve too far into them. However, we need to keep in mind that it is intended that our bill should work in conjunction with the Federal legislation.

This legislation is the result of an agreement reached at a meeting of the Council of Australian Governments called to discuss arrangements to deal with the terrorist threat that Australia is perceived to be facing at this time. Most people are of the view that the Federal legislation lacks balance, and I must say that it would appear that that is also the case with this bill. I am referring to civil liberties and the nature of Australian society that we have come to expect and wish to retain. With regard to the proposed sedition laws and control orders, of course no-one trusts the Howard Government. No-one trusts John Howard, because of his past track record, and I can understand that the general public are most concerned about it. Taking into account his record in regard to the Siev-X, Tampa, and children overboard incidents—

Mr Alan Ashton: And weapons of mass destruction!

Mr NEVILLE NEWELL: Yes, the weapons of mass destruction in Iraq and so forth, why would we take notice of anything he says? I will make a few comments about the bill, which has been described by a number of speakers as draconian. Proposed sections 26D and 26F deal with police involvement in the making of preventative detention orders. The sections contain very general statements to the effect that police must have "reasonable grounds to suspect" and about who may apply for such an order. It is obvious that Federal police may be involved, and that brings me to the reputation of the Federal police, and particularly the reputation of its head, who has made comments that can only be described as embarrassing to Australians generally.

The head of the Australian Federal Police has, to date, not retracted the comments he made at the time of the Schapelle Corby trial in Bali. In my view he would have been in contempt of court for his comments if that trial had been held in Australia. At the time of that trial he said that drugs were not being processed through the Australian airport system, and he has not retracted that statement, despite recent arrests in that regard. The head of the Australian Federal Police is someone we are meant to have a lot of faith in. It makes me wonder what sort of person he is, whether he is on top of his brief and understands what he is meant to do and not to do. I do not know whether he is a buffoon or just a patsy of the Federal Government.

Having said that, I will return to proposed sections 26D and 26F. We have to accept that preventative detention orders will be carried out in good faith and on good intelligence, and not merely to garner a headline. I believe that the bill is full of holes. As pointed out by a number of honourable members, some aspects of it make us cringe and cause us concern about where this legislation is going. For my part I am concerned about the holes in the legislation, rather than where it is going.

Proposed section 26X deals with the types of prisons in which detainees may be held. These are people who have not been charged with any offence. There may well be good reasons—and I certainly hope there are good reasons—for a person to be taken into preventative detention, but the type of prison is not specified. In the event that one of us were charged with an offence we would be taken to a remand centre. We would not be thrown into a prison with murderers and dangerous criminals, and we would not be carted off to the other side of Australia to be detained. It is regrettable that the type of prison in which a person will be detained is not spelled out in the legislation.

Proposed section 26ZM deals with the use and destruction of material taken for identification purposes. That is fine, if material and evidence is retained in New South Wales and is destroyed after 12 months, as in the case with fingerprints taken after the commission of a misdemeanour. However, I know, and all honourable members know, that under this legislation that person's identification information will not be retained within Australia. It will be sent to police forces overseas to be checked. I do not disagree with that course. What I disagree with is the implication in the section that such material will be destroyed. Everyone knows that once that material is sent overseas, neither the New South Wales police nor the Federal police will have control of it. It will not be destroyed, despite the fact that there are treaties in place. I see that as a mere sop to civil libertarians, something they would expect but something that will never happen.

Section 26W deals with the release of persons from preventative detention. This is another provision that is full of holes. The provision ensures that the identity of persons under preventative detention orders must not be revealed, which is important. Hopefully, it will mean that the media will not find out about the identity of such persons. However, when the preventative detention order is lifted and the person walks out of prison, if the Federal police or anyone else wants to run a media scrum on them, the media will be there. There will be nothing stopping the police or anyone else from informing the media that the person is about to walk out of the prison, police station, or whatever establishment the person has been detained in. That person will then face a media scrum and will simply be tried by the media, as we have seen in many other instances. I believe the legislation is deficient in not protecting persons who are released from preventative detention.

I do not agree with the oversight and sunset provisions. I believe that a sunset period of 10 years is too long. With regard to the oversight provisions, I point out that reports to Parliament over a 12-month period are far too long. The Parliament should receive a report every three months on any preventative detention order so Parliament has the opportunity to scrutinise the order. That can be done without revealing the identity of any person who has been the subject of a preventative detention order. I concur with the Attorney General's former assessment of the bill and the Premier's description of it as draconian legislation. This is not necessarily a response to what is needed in Australia to combat terrorism. After all, we already have police legislation in this State and federally which enables people to be questioned, to be taken into custody, and so on.

As the honourable member for Miranda rightly pointed out, people who are taken into custody will not be able to be asked questions about anything other than their identity. So the purpose of this legislation is not to

find out anything about the activities of a person who is the subject of a preventative detention order, because under the legislation police will not have the power to interrogate them to find out that sort of intelligence. I agree that if a person is taken into custody, police should have the power to find out such information if required. I understand that under the present legislation, police already have those powers, and that they would be able to take a person into custody, interrogate them, and ascertain particular aspects of police intelligence in relation to a future, forthcoming, or past terrorist act. However, the irony is that when a person is taken into custody under this legislation, police will not be able to talk to the person; he or she will simply be detained. It will prevent people from being able to talk to other people who police suspect have untoward aims. For these reasons the legislation does not achieve positive outcomes on behalf of police and their intelligence work, which we expect them to be able to do.

In summary, I am grateful that we have men like Jon Stanhope, who was prepared to release the Federal legislation into the public arena so we were all able to understand exactly what the Federal Government and John Howard had in mind. I think everyone in the Austrian Capital Territory would vote for Jon Stanhope if they had the opportunity, because he is prepared to stand up for the people and for the ideals we have in Australia, and to ensure that people have the opportunity to debate and discuss legislation such as this rather than have it rushed through Parliament.

I wish to respond to the comment made by the honourable member for Baulkham Hills in response to an interjection by the honourable member for East Hills with regard to the nature of Neville Chamberlain's statement as he got off the plane and produced a piece of paper. I think we all understand that Neville Chamberlain was pandering to populist public opinion at the time, because the people did not want a war. Neville Chamberlain waved a piece of paper and said, "I have achieved it." The Prime Minister we have today is also pandering to populist public opinion in terms of cracking down on terrorists—which we do not mind him doing, but we do mind that he is introducing legislation that is unnecessary, superfluous, and not necessarily aimed at achieving the outcomes that we think Federal police, State police and other intelligence groups should attain in terms of protecting Australian society. I acknowledge that a division may be called on this legislation. In keeping with my status in the Labor Party, undoubtedly I will vote with this side of the House if a division is called. However, as most people would understand, if there were a conscience vote I certainly would vote with the other side of the House.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [12.35 p.m.]: In speaking to the Terrorism (Police Powers) Amendment (Preventative Detention) Bill I wish to relate to the House my concerns about the original framework for this legislation, which was put forward by the Howard-Costello Government. Thanks to the leading role of Premier Morris Iemma, along with other State Labor Premiers, we have managed to get this legislation into a form that is much more accountable to the community, with regard to the powers provided to police and intelligence agencies. Having said that, I am still concerned about the legislation, particularly from the perspective of the constituency of my electorate of Bankstown and the surrounding area, where it is clear to me that through the application of this legislation there may be the opportunity for stereotyping and also demonising of certain communities. I have seen this before and, unfortunately, will see it again as a result of this. We know that the finger is already being pointed at my local geographical area. That is unfortunate. I can inform the House that I am very proud of the constituents of my electorate, the majority of whom are law-abiding and family-oriented citizens. They certainly do not need legislation that will victimise or stereotype them.

The framework behind the legislation is important. Premier Morris Iemma has played a major role in ensuring accountability with regard to providing a judicial framework for the legislation. I am concerned that down the track we may not have the proper opportunity to amend the legislation where necessary, if we face situations that we simply did not evaluate or envisage resulting from the legislation. One of the leading journalists in Sydney, Alex Mitchell, wrote an article about this in his column in the *Sun Herald* last weekend. Alex Mitchell pointed out that Sir Winston Churchill—I am no fan of Winston Churchill or his politics—said that without the proper judicial processes in place, a society could well become totalitarian. Such a view, though perceptional in relation to the bill at this stage, could become real down the track unless the powers created by the legislation are kept in check.

As one of the legislators on the Government side of this House I support the legislation and will monitor it vigilantly. However, I will do so in the knowledge that we face the crossroads of a problem in the world that cannot be measured or defined, and I am not sure that legislation such as this will prove to be a preventative measure.

Mr ALAN ASHTON (East Hills) [12.38 p.m.]: With some reluctance I support the Terrorism (Police Powers) Amendment (Preventative Detention) Bill. The title says so much of what the bill is about: preventative detention to prevent an imminent terrorist act, or to preserve evidence following a terrorist act. I do not have any problem with the latter. Surely it is self-evident that the best way to prevent any crime is to detain everyone before any offence occurs. It seems quite simple to me. You simply round up everyone, lock them in gaol, and there will not be any more crime. You would not have to worry about the presumption of innocence, or whether anyone has actually done anything wrong. That is not meant to be a trivial comment or observation, but the point is apt all the same.

It must be recognised that the New South Wales legislation is nowhere near as draconian as the Commonwealth's original bill—so fortunately disseminated by Jon Stanhope, the Chief Minister of the Australian Capital Territory. It is worth remembering that the bill has been described as draconian by many and that Draco was a Greek ruler who had his laws literally written in blood so people would understand how serious he was about them. We live in a world where there is increasing terrorist activity being carried out against Western powers, particularly its innocent citizens going about their everyday business. But the word "terrorism" existed before 2001—before 9/11. Terrorism or assassinations have been used as political weapons for thousands of years. Clausewitz, a German general in the 1800s, said that war is politics by other means. I do not doubt that this is a credo that today's terrorist have taken up.

This is not the time or place to analyse what motivates terrorists to seek to justify their concerns or their objectives. While there are many informed people who understand some of these, the critical point is that we have a duty as Australians and members of Parliament in this place to protect our citizens as best we can. The views expressed today by most members who have spoken on the bill have illuminated concerns that these laws go too far in what has been described as the defence of our liberties, which democracy already protects. I need only refer to Legislation Review Digest No. 15 of this year, pages 20 to 39, which is the lengthiest review of proposed legislation we have seen by this joint, cross-party Legislation Review Committee. Paragraphs 6 and 7 on page 22 state:

> 6. The Bill trespasses, to a significant degree, on a number of fundamental rights and liberties. These rights are recognised under common law and international law.
>
> 7. The Bill trespasses on the following rights, each of which is addressed in the detail below:
>
> - the right to liberty;
> - the right to be free from arbitrary arrest and detention;
> - the right to a fair trial, including the right to be heard, to present evidence and call witnesses in defence;
> - the right to be presumed innocent until proven guilty beyond reasonable doubt;
> - the right not to be compelled to incriminate oneself;
> - the right to legal representation and to legal counsel of one's own choosing; and
> - the right to confidential communications with legal counsel (the protection of legal professional privilege).

Page 22 is worth reading. At least our legislation is a great improvement on what the Federal Government has tried to introduce. There is a sense that the problem lies in the fact that no senior advisers, police, defence or security operatives who work in Canberra for the Howard Government are prepared to say what they believe in respect to terrorism, foreign policy or Department of Immigration matters. The honourable member for Tweed pointed that out very well. Commissioner Keelty said about 18 months ago that Australia was a likely terrorist target since our invasion and occupation in Iraq with the Americans and the Coalition of the Willing. And what happened? John Howard quickly called him in, dressed him down, told him not to be so silly and never to utter another word like that, and ever since Keelty has jumped on the bandwagon and towed the line.

Andrew Wilkie, the Office of National Assessment officer who blew the whistle on the children overboard fiction, was dismissed as irrelevant also. Interestingly, at the last election when he ran for the seat that John Howard holds, I think he nearly took John Howard to preferences. The Federal Government has certainly trumpeted this type of legislation that it has proposed. I understand that there is a genuine and decent element in the Liberal Party who are quite concerned, especially with the sedition powers. It is just a tragedy that we do not have the right to hand over those powers to the Federal Government because I think there would be then quite an uproar in this Chamber about that. Unfortunately that issue is completely locked up in the Federal jurisdiction.

But I think in about 1920 the Federal Government at the time dismissed a member of Parliament, Hugh Mahon, because he had the temerity to talk of an "accursed" empire. He was obviously Irish, the empire was not, and he was chucked out of Parliament. So even in Parliament just by saying, "Look, we don't support this legislation" or this war, or whatever, you can be seditious and, bang, out you go. It will be very interesting to see if the sedition laws get up as they are hoping in Canberra. As I said, the Federal Government has certainly trumpeted this legislation, but it introduced legislation some years ago, with Federal Labor support, as an answer to many of these threats. As everybody in this House knows, it is already illegal to conspire to kill or harm people, to destroy infrastructure, to plan to rob banks, to steal things, and to commit all sorts of fraud. It is also already illegal to partake in or plan a terrorist activity.

We saw that just a couple of weeks ago when a whole string of alleged suspects were arrested in New South Wales. I noted with interest when I saw that that nobody had rung me up as a member of Parliament and said, "Come along and watch what we are doing", but somebody had certainly got in touch with the police media unit to follow the troops out on the raids. Sure it makes good television, but the point is that I am sure it was a well-kept secret from most members of Parliament. But who is to say that a couple of police who were given that information will not ring someone and say, "Hey, come and watch this" or "You had better be out of your house before they turn up." It has been done before, as in the old days when the police would give a tip-off to the alleged criminal.

Are we in a position where we can trust the media to know there are going to be raids all across Sydney but we cannot trust the members of this Chamber to know? I am not saying we should know, but why is the media dragged along to be part of a raid? The Prime Minister is reverting to type. What he is doing is putting up a scare, putting somebody up to be very worried about it and then trying to divide the community along those lines. That tactic has worked in the past, but whether it continues to work is a little bit different.

The New South Wales bill was first sought by the Howard Government, and I thank the Attorney General and his staff who have worked very, very hard with the Premier and his staff to ensure that this legislation is not draconian. It certainly is restrictive and it certainly goes further than I would prefer it to go, but it is not as bad as it could have been. That is its only saving grace. However, it could have been worse if the original document that Stanhope put out had been allowed to survive. Opposition members opposite may not be aware that many members of this Government had a lot to do with some of the advice that has been given to the Premier's office and to the Executive Government on what would be acceptable and what would not be acceptable to them.

It should be recognised also that there are members of Parliament on both sides of the House and in Canberra who are not happy with the nature of the legislation. I have very little problem with what the honourable members for Manly, Bligh and Port Macquarie said; they spoke well, as did members on this side of the House. I make this final prediction, however—and I hope I am wrong: If we continually frenetically seek out so-called terrorists we will certainly find them. We will find them everywhere if we go looking for them, but not because they are terrorists; we will find them simply because the terrorist definition will be changed. If I stand up and say I am not really happy with this bill, potentially someone could say that Ashton doesn't fully support the bill and is a bit of a terrorist supporter. Such things will happen.

A news organ called News Limited—and I put the emphasis very much on "Limited"—is now prepared to defend the rights of some people because it fears that some of its journalists might be in trouble if they print certain things. News Limited has got on board after four or five years bashing us over the head about the need for draconian legislation and how we need to look sideways at anyone who dresses a little bit differently and the like, but it is now a bit worried that some of its journalists might get into trouble if they report something that is being done.

Another part of the bill that I just could not believe provides that people may be in trouble for passing on to their relatives information that certain things are going to happen. It made me realise that as my mother-in-law is in hospital and my father-in-law is in a nursing home, and neither of them is fully aware of what is going on, if I was dragged away and locked up for a couple of weeks incommunicado and not allowed to speak to them about it, they might pass away and no-one would know where I was. They could be left unattended and not fed, or their bills might not be paid. My kid could be at home ringing up the police saying, "I think my father has disappeared," and the Bankstown local area command would go out looking for somebody—anybody. In these situations one group of police does not know that a person has been locked up or kept under a detention order. These are just some of the realities of the legislation that could occur further down the track.

Under this legislation we will have to keep looking for terrorists. The Nazis kept looking for Communist sympathisers, and then they rounded up the Catholics, and then they rounded up the Protestants and the priests, and when they finally went to round up a few ordinary Germans who had done nothing wrong at all, those few ordinary Germans said, "Hey, where is everybody to save us?" Of course, there was no-one left who could help them, because, not being Jewish, they had not protested when the Nazis were first taking the Jews away and they did not care about the Catholics because they were not Catholics; they did not ever really believe in socialist policy so they did not worry about people being taken away. By the time they realised what had happened, it was all too late and there was no-one left to fight the fight.

I am glad that the traditional "ratbag" groups like the churches have spoken out on this legislation and on the workplace relations bill and have upset the commentators who write for the News Limited organisations. Terrorists will be found, but they will not really be terrorists; they will be stereotypical terrorists, people who look like terrorists according to the Anglo Saxon mindset. For some these powers will be politically useful. But we do not need in this country a new version of McCarthyist politics. I look forward to the movie, about to be released, about Ed Murrow and what he did to finally destroy McCarthy. We know that the McCarthyist politics were eventually discredited, followed by an inevitable backlash. Complacency will probably set in and, because we have cried wolf so often, no-one will be listening. With those comments, I support the bill.

Mr MICHAEL DALEY (Maroubra) [12.50 p.m.]: I support the bill and in doing so I congratulate the Premier, the Attorney General and Chief Minister of the Australian Capital Territory, Jon Stanhope, on struggling with and ultimately prevailing over a Commonwealth bill that is, and remains, unacceptable in many of its forms. My only regret in taking part in this debate is that I am helping somehow to perpetuate a debate that John Howard has used, unfortunately successfully, as a political tool. So I will be brief.

It is unfortunate, as many of the speakers have said before me today, that such laws have to be made but in my opinion they are well and truly necessary. Like many speakers before me, I am a lawyer. I have studied and I respect the history, traditions and safeguards inherent in our legal system in respect of personal liberties. I have heard today about the Magna Carta and the ancient writ of habeas corpus, and our democracy is right to revere and preserve the principles they underpin. However, sometimes extraordinary circumstances require extraordinary responses. The fact is that the Magna Carta, the writ of habeas corpus and all the other traditions and safeguards relating to personal liberties were not formulated at a time when evil persons had the capability to harm their fellow citizens on a large scale.

Despite what has been said in this Chamber today, mass murder by terrorism is a modern phenomenon. It is only some decades old. The honourable member for Coogee rightly pointed out today that democracy sometimes operates with one hand tied behind its back but democracy ultimately prevails over the evils that oppose it. My only concern in this debate is how long it takes for democracy to ultimately prevail. The practical consequences of democracy having its hand tied behind its back in the face of an imminent terrorist threat is that that could result in a delay, and a delay could cost lives.

The police have asked for and require this extraordinary power in these extraordinary times because the current legal system has the potential to hinder them in their protectionist role—and this is the vital fact. The bill is all about protecting ordinary people. One can talk about the rights of the accused and those under suspicion, but there are other rights too, such as the right to have dinner with one's family without being blown up in a restaurant, to go shopping, to catch the bus to work in safety, or not to be blown up when sitting at one's desk. These are fundamental rights as well. These laws are designed to protect those rights.

This is not hyperbole. I have had discussions with people who are in the know in respect of potential terrorism in Sydney and New South Wales. My discussions with them have led me to believe that there are people in our society today who would, if they were permitted, commit these types of acts. I am not simply talking about people of a particular racial or religious point of view. The Hilton bombings in the 1970s, and Timothy McVeigh and the Oklahoma bombings in 1995, are vivid examples that these are not just religious or racial zealots who sometimes wish to cause society harm. There are other types of zealots and extremists, and these powers protect society from them equally. This legislation, like many of the considerations that come before legislators in this Chamber, involves a balance. The Legislation Review Committee summed it up as well as anybody could, on page 25 of "Legislative Review Digest No. 15", when it stated:

> The Committee is of the view that the right to liberty and the freedom from arbitrary detention are fundamental human rights and as such should not be derogated from except in extraordinary circumstances warranted by compelling public interest considerations and only to the extent necessary to meet those public interest objectives.

I am satisfied that the bill as currently framed, although its preparation was somewhat flawed and its deliberation is hasty, does react only to the extent necessary to meet legitimate public interest objectives. Most importantly, as a lawyer—and this is the most crucial aspect for me in respect of this bill—the bill provides for judicial review. The ideal working of this legislation relies on the professionalism of the police, supervised by senior judicial figures. As a citizen, as a legislator and as a lawyer, I have every confidence in those senior judicial officers to protect citizens that come before them. I note, finally, that proposed section 26ZC provides for the humane treatment of persons being detained. It states:

> (1) A person being taken into custody, or being detained, under a preventative detention order:
>
> (a) must be treated with humanity and with respect for human dignity, and
>
> (b) must not be subjected to cruel, inhuman or degrading treatment,
>
> by anyone exercising authority under the order or implementing or enforcing the order.

Ironically, the people who are detained under this bill will receive better treatment than the poor buggers who have been languishing on Ashmore Reef and other places that John Howard and Philip Ruddock have sent them to. As the honourable member for Canterbury and the honourable member for Auburn most commendably put to the House today, we must ensure that we do not become a racist, divided nation, but nor must we be supine in the face of an attack upon our wonderful society. I believe the bill treads the very fine line required in these extraordinary times and I remind the House of what the Minister said in his second reading speech. There is no doubt that these powers are extraordinary, but they are designed to be used only in extraordinary circumstances and are accompanied by strong safeguards and accountability measures. As a citizen and as a parent, I believe society will be a safer place with the police having been given the additional preventative and protectionist powers that are inherent in this bill and I commend it to the House.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [12.58 p.m.]: This bill is an attempt by the State Government to give a much better level of protection and a better level of civil rights to people taken into custody under preventative detention—much better than the draconian legislation put forward at the Federal level, about which my parliamentary colleagues the honourable member for Wallsend, the honourable member for Lake Macquarie and the honourable member for Charlestown, and I wrote in a letter to the Newcastle *Herald* as follows:

> As Labor MPs we wish to state our strong objection to features of the anti-terrorism bills to be introduced in Federal Parliament. These bills attack traditional Australian freedoms and traditional Australian protections. They strike far more at our rights than against the terrorists they propose to deter.

We actually quoted in that letter the words of the *Sydney Morning Herald* editorial of 31 October 2005 as follows:

> As it stands, its provisions strike straight at the heart of ordinary democratic rights and freedoms. It gags public debate, it empowers police to make people disappear and it punishes anyone who talks about their disappearance.
>
> In short, it will reduce and limit the freedoms that this country has voted and fought for. The State Government ought to take as long as it needs to consider every detail of these frightening proposals, their constitutional implications and their impacts on our freedoms, and not sign up to the Howard agenda.

In the bill we have not signed up to the Howard agenda, and I commend the Attorney General and the officers for their work and for the provisions in the bill that strike a balance between the virtual imprisonment or holding without charge and the civil liberties of the people held. I am concerned about some aspects of the bill. First, it will still be subject to the Australian Security Intelligence Organisation Act 1979, which is the overarching power in this area. Paragraph (d) of the overview of the bill clearly states:

> (d) A person may be detained under a preventative detention order that is not an interim order for a maximum period of 14 days. This maximum period is reduced by any period of actual detention under an interim order, another preventative detention order or an order under a corresponding law of the Commonwealth, or another State or Territory, against the person in relation to the same terrorist act [as defined].

Let us look at the provisions of the Australian Security Intelligence Organisation Act. The bill will uphold the civil liberties of a person by limiting what they can be asked and by whom they can be questioned, which will be subject to judicial review. However, I have been advised that as the Australian Security Intelligence Organisation powers override this legislation, persons may be detained under those powers; under the warrant they may be subject to seven days or 168 hours of questioning. The passage of 168 hours will start when the person is first brought before a prescribed authority under the warrant. The legislation then provides a series of

time periods in which questioning can occur. The Australian Security Intelligence Organisation Act does not detail the extent of the questioning, but obviously it is much more invasive and detailed than the sort of questions a New South Wales authority may ask. Section 34HB (1) of that Act states:

> Anyone exercising authority under a warrant issued under section 34D must not question a person under the warrant if the person has been questioned under the warrant for a total of 8 hours, unless the prescribed authority before whom the person was being questioned just before the end of that 8 hours permits the questioning to continue …

Section 34HB (2) provides that the questioning cannot continue for more than a total of 16 hours unless the prescribed authority before whom the person was being questioned permits the questioning to continue. Section 34HB (9) states:

> Anyone exercising authority under the warrant must not question the person under the warrant if the person has been questioned under the warrant for a total of 24, 32 or 40 hours …

While the Government is doing everything in this bill to protect the rights of individuals, those rights will be subject to the powers of the Australian Security Intelligence Organisation Act. Therefore I am concerned that this legislation may simply be a post box in terms of the operation of the Act. As other speakers have said, there is concern about how these Acts and their operation will impact on views in the community about other people. I refer to my time on the Committee on the Independent Commission Against Corruption in the early 1990s. The committee conducted a hearing in Kyogle and people appeared before it. At that time the people in the community did not understand that it was an inquisitorial hearing, not an adversarial hearing.

Members of the community had difficulty believing that a person who had been cross-examined by the Commissioner of the Independent Commission Against Corruption was not guilty. I am interested to know how we will deal with the outcomes of preventative detention orders in terms how this legislation will affect the reputation of people who have been detained, found not to be held under the terrorism powers and then released. I simply make those points because I am concerned about the overarching powers of the Australian Security Intelligence Organisation Act. Considering the powers provided in the Act, I am concerned about the effectiveness of this legislation in preserving and protecting the liberties of people who are held under preventative detention orders.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [1.06 p.m.], in reply: I thank honourable members for their contributions to this important debate. It is encouraging that so many members have taken such care with their speeches, demonstrating, if it needed to be demonstrated, that democracy is still a highly valued quality in this place. Terrorism presents our community with some hard policy decisions. The task that confronts us all is to meet the terrorist threat while still preserving the aspects of our society that mark us as free, open and democratic. There is no doubt that the bill contains some extraordinary powers. In commending it to the House, I reiterate the extensive safeguards that are in place to ensure that powers exercised under it strive for a proper balance and maintain our present standard of civil liberties and human rights.

Judicial oversight and the granting of preventative detention orders mean that the powers cannot be used in a discriminatory or arbitrary manner. The legislation takes special consideration of young people, who may not be detained if they are under 16 years of age, and provides special contact rules for persons under 18 years. Unlike the corresponding Commonwealth legislation, individuals held under the bill will be able to contact their families and employers, and inform them of their detainment. Also unlike Commonwealth legislation, the person detained may apply to the Supreme Court for revocation of the order. Penalties are in place for failure to advise individuals of their legal rights or for treating them in an improper way. Most important, under our scheme a hearing between the parties on the merits is required before an order can be finalised.

An individual detained under the bill may not be questioned for any purpose except to establish their identity or to ensure their health and wellbeing. There is an express right to contact a lawyer as well as the Ombudsman and the Police Integrity Commission, and to be informed of those rights. A person being detained must be treated with humanity and with respect for human dignity, and will never be subject to cruel or degrading management. High standards of independent review will be ensured by the scrutiny of the Ombudsman, who is empowered to evaluate the exercise of powers conferred under the bill and who can request information from any public authority on the use of those powers.

Annual reports will be given by the Commissioner of Police to the Attorney General and to the Minister for Police on the use of police powers and the number of orders granted under the bill during the year.

The legislation sunsets after 10 years. These strong measures are being implemented in every Australian jurisdiction. They are extraordinary powers, and it is my sincerest wish that they will never be used. At their core, however, is a desire to protect and preserve our society. The Government has received a number of submissions from various bodies in relation to this bill. Those bodies included the Bar Association, the Law Society of New South Wales and the Public Interest Advocacy Centre. The Government has also had the benefit of an extensive report from the Legislation Review Committee.

I foreshadow that in consequence of the submissions, the Government will move a number of relatively small amendments in Committee. It is worth emphasising that the answer to many of the finer drafting issues raised by the submissions that the Government has received is that New South Wales has been obliged to implement a scheme that was based largely on a draft initially produced by the Commonwealth. I believe the Government has taken many steps to improve the basic scheme for implementation in New South Wales. Nevertheless, we were working within the framework set by the Commonwealth and based on the Council of Australian Governments agreement of 27 September 2005.

I propose to raise only one other issue now. That is the matter given some prominence in the media this morning in consequence of remarks made by representatives of the Bar Association and the Law Society concerning so-called rolling warrants. A number of submissions have raised the possibility of cumulative or rolling warrants. I make it clear to the House that the aim of this preventative detention scheme is not to provide the ability for law enforcement agencies to keep a person in a constant state of preventative detention. Proposed section 26K is designed to prevent rolling warrants. However, it is difficult to justify on policy grounds the complete prohibition of a second or subsequent order in relation to a particular person where the rest of the test, which is set out in proposed section 26D, is met, remembering that the test requires the reasonable suspicion that the detention of the person will prevent an eminent terrorist attack.

A number of strong safeguards will count against the use of rolling warrants. Those safeguards are that these orders will be overseen by the Supreme Court, the requirement that each application must contain details of previous applications and orders, allowing the Supreme Court to detect improper use, and, most important, the fact that a person who appears to be intimately involved in an imminent terrorist attack will be charged with a substantive offence rather than preventatively detained. Those concerns that have been expressed about rolling warrants, although understandable, have been sufficiently answered by those observations. I have already indicated that a number of amendments will be moved in Committee. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 73

Ms Allan	Mr George	Mrs Perry
Mr Amery	Mr Greene	Mr Pringle
Mr Aplin	Mrs Hancock	Mr Richardson
Mr Armstrong	Ms Hay	Mr Roberts
Mr Ashton	Mr Hazzard	Ms Saliba
Mr Bartlett	Mr Hickey	Mr Sartor
Ms Berejiklian	Ms Hodgkinson	Mr Scully
Mr Black	Mrs Hopwood	Ms Seaton
Mr Brown	Mr Hunter	Mr Shearan
Ms Burney	Ms Judge	Mrs Skinner
Miss Burton	Ms Keneally	Mr Slack-Smith
Mr Campbell	Mr Kerr	Mr Souris
Mr Cansdell	Mr Lynch	Mr Stewart
Mr Chaytor	Mr McLeay	Mr Stoner
Mr Collier	Ms Meagher	Ms Tebbutt
Mr Constance	Ms Megarrity	Mr Tink
Mr Corrigan	Mr Merton	Mr Tripodi
Mr Crittenden	Mr Mills	Mr J. H. Turner
Mr Daley	Mr Morris	Mr R. W. Turner
Ms D'Amore	Mr Newell	Mr Watkins
Mr Debnam	Ms Nori	Mr Whan
Mr Debus	Mr O'Farrell	
Mr Fraser	Mr Page	*Tellers,*
Ms Gadiel	Mrs Paluzzano	Mr Maguire
Mr Gaudry	Mr Pearce	Mr Martin

Noes, 6

Mr Barr
Mr Draper
Mrs Fardell
Mr Oakeshott
Tellers,
Ms Moore
Mr Torbay

Question resolved in the affirmative.

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [1.24 p.m.], by leave: I move Government amendments Nos 1 to 5 in globo:

No. 1 Page 5, schedule 1 [1], proposed section 26G (1). Insert after line 34:

(a) subject to subsection (2), be in writing and sworn, and

No. 2 Page 6, schedule 1 [1], proposed section 26G (1). Insert after line 17:

The application must also fully disclose all relevant matters of which the applicant is aware, both favourable and adverse to the making of the order.

No. 3 Page 10, schedule 1 [1], proposed section 26N (3), line 35. Insert "be in writing and sworn, and" after "must".

No. 4 Page 29, schedule 1 [1], proposed section 26ZM, line 35. Omit "the material must be destroyed". Insert instead "the Commissioner of Police is to ensure that the material is destroyed".

No. 5 Page 30, schedule 1 [1], proposed section 26ZN, lines 10-20. Omit all words on those lines. Insert instead:

(a) the number of applications for preventative detention orders (including interim orders) and the number of any such orders made, and the number of occasions on which such an order (other than an interim order) was not made following a hearing,

(b) the number of any such applications and orders in relation to adults and the number in relation to juveniles,

(c) the duration of each such order made,

(d) a statement as to whether each such order was made to prevent a terrorist act or to preserve evidence,

(e) a statement as to whether a person was taken into custody under each such order and, if so, the period for which the person was detained,

(f) a statement as to whether the person detained under such an order was principally detained in a correctional centre, juvenile correctional centre, juvenile detention centre, police facility or other place,

(g) the number of applications for prohibited contact orders and the number of any such orders made, the duration of each such order and the number of any such orders made in relation to adults and in relation to juveniles,

(h) the number of applications for revocation of an order and the number of revocations granted,

(i) particulars of any complaints in relation to the detention of a person under a preventative detention order made or referred during the year to the Ombudsman or Police Integrity Commission and the outcome of any complaint so made,

(j) a statement confirming the destruction of identification material required to be destroyed under section 26ZM (4).

Amendments Nos 1 and 3 require that the application be in a written form and sworn by the officer making the application to the court. These amendments were suggested by the New South Wales Bar Association. The requirement is consistent with the obligations of an officer applying for other warrants within New South Wales. Amendment No. 2 concerns a requirement to include in an application any information about any potentially

adverse impacts of the making of an order. This amendment was suggested by the Public Interest Advocacy Centre. The amendment puts a positive obligation on the police to inform the court of any serious consequences to the individual of the order being made. If, for example, the person about whom the application is being made is a single parent and there will be a particular and serious impact on the children of that person, the application should detail that impact for it to be taken into account together with the information that supports the making of the order.

Amendment No. 4 is an amendment to proposed section 26ZM to provide that the Commissioner of Police is to ensure that identification material is destroyed in compliance with the provisions of the section, with a further requirement in proposed section 26ZN that a statement of compliance be reported to Parliament. This is another recommendation of the Public Interest Advocacy Centre and it is consistent with the provisions of the Terrorism (Police Powers) Act in relation to covert search warrants. I turn finally to amendment No. 5. One of the important safeguards under the bill is a requirement in proposed section 26ZN for the tabling of annual reports about the operation of the Act by the Attorney General. The information that the report is required to include has been significantly expanded. The Public Interest Advocacy Centre made a number of recommendations in relation to the information that should be included, and a number of those suggestions have been taken up in this amendment. They are listed in the document that I have circulated. Nevertheless, I think it will be agreed by the Committee that these refinements are entirely within the spirit of the bill.

Mr ANDREW TINK (Epping) [1.27 p.m.]: I understand that the Senate committee recommended something similar to amendment No. 5. It seems to be commonsense. Amendment No. 4 appears to provide clarification and casts an obligation on the Commissioner of Police. I have no problem with that. I do not oppose amendments Nos 1, 2 and 3 but I am concerned that they could potentially place an extra burden on the police, particularly amendment No. 2, as it would appear to set up a legal test which of itself would be arguable in a court. The words proposed are "all relevant matters of which the applicant is aware, both favourable and adverse to the making of the order". That may set up quite a significant extra hurdle for police to overcome. Those words propose a test which would become arguable in court and which may itself become an issue in the legality of the proceedings.

With the words "applicant is aware" come all the tests, rules and procedures across the board that police use to determine these matters. It is not a big leap to go from "is aware" to "should be aware", which may provide a major hurdle in the courts to effective police operations. Many actions undertaken by police in good faith—attempting to make themselves aware of things as they see it at the time, doing their best in what might be very difficult circumstances—turn out not to be so. The whole matter can end up with the police tied up in court arguing about what they should or should not have been aware of.

One can see a whole body of law developing around that point and it becoming quite onerous. There is precedent for this type of concern in the police powers of detention after arrest legislation, which has been in operation for some time. Some of the words that were included in the legislation, no doubt in a well-intentioned way, have led to a lot of delay and extra work for police. My concern is that this may go down the same path. No doubt it is well intentioned and I am not going to oppose it. I merely issue that warning and hope that it turns out not to be the case.

Mr ROBERT OAKESHOTT (Port Macquarie) [1.30 p.m.]: I take it on good faith that these amendments are designed to improve the substance of the legislation and therefore will not oppose them. The fact that the Government has introduced a raft of amendments to its own legislation highlights the point made by several honourable members that this legislation is being rushed through. It is of grave concern that in respect of legislation of such importance and substance we are witnessing an example of the problems associated with rushed legislation even before that legislation has passed through the lower House. The fact that the Government has introduced amendments to its own legislation is clear demonstration that the process has been rushed. That was the Federal Opposition's direct criticism of the Howard regime's introduction of the anti-terrorism bill. That same argument stands today in respect of this bill.

Mr BOB DEBUS (Blue Mountains—Attorney General, Minister for the Environment, and Minister for the Arts) [1.31 p.m.]: I appreciate the contributions made by honourable members opposite. In response to the remarks of the honourable member for Epping, I merely state that he is indeed correct to assume that the amendments are made with goodwill and in an attempt to ensure that the legislation should operate as humanely as possible. I reiterate that the words used in amendment No. 2 refer to "relevant matters of which the applicant is aware". It is not a question of what the applicant should have been aware of, just a question of what the applicant is aware of. We are talking here of an inter pares application, one in which the person the subject of

the application is unaware at the time. It does seem to me that these other matters—as I have described them, and of which the applicant, normally the police, is aware—are a reasonable further requirement.

As to the observations of the honourable member for Port Macquarie, I merely point out that the large numbers of bills that go through this House and are efficiently and confidently dealt with involve several concurrent processes of consultation, and it is in no way unusual that there should be some refinements of this nature introduced at this stage of proceedings. It can be argued, indeed, that so competent has been the preparation of this legislation that, after days of consideration by the most interested and well qualified lawyers in the State, this is all they could come up with. What they have come up with is quite sensible.

Mr Robert Oakeshott: Is that your argument?

Mr BOB DEBUS: It is my argument. Good heavens, it is my argument! This bill has been prepared over a longer period and with more care than is the case with a great many bills that go through this Parliament. Bearing in mind the rather substantial qualifications that I have given voice to inside and outside this House about the fact that we are obliged to bring in legislation of this nature at all, I must say that I commend those who have been engaged in its preparation quite particularly. Indeed, it is possibly the opportunity for me to say that I believe that the Criminal Law Review Division of my department, led by Mr Lloyd Babb, has performed quite outstanding service in bringing this bill to the stage at which we now find it, given the kind of legislation that might have eventuated if it had not been so carefully and competently, and indeed passionately, pursued in the time since the Council of Australian Governments meeting a few weeks ago. With those observations I commend the amendments and the bill.

Amendments agreed to.

Schedule 1 as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

MINE SAFETY (COST RECOVERY) BILL

Message received from the Legislative Council returning the bill with amendments.

Consideration of amendments deferred.

SELECT COMMITTEE ON THE CROSS-CITY TUNNEL

Madam ACTING-SPEAKER (Ms Marie Andrews): I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that having considered the Legislative Assembly's message of 16 November 2005, regarding the Joint Select Committee on the Cross City Tunnel, it has this day agreed to the time and place appointed by the Legislative Assembly for the first meeting of the Joint Select Committee on the Cross City Tunnel.

The Legislative Council further informs the Legislative Assembly that the following members of the Legislative Council have been appointed to serve as members of the committee:

Ms Fazio
Mr Pearce
Ms Rhiannon

Legislative Council
29 November 2005

M. BURGMANN
President

[*Madam Acting-Speaker (Ms Marie Andrews) left the chair at 1.38 p.m. The House resumed at 2.15 p.m.*]

PARLIAMENTARY ETHICS ADVISER

Report

Mr Speaker tabled the report of the Parliamentary Ethics Adviser for the period 1 December 2004 to 30 November 2005.

JAMES HARDIE LEGISLATION

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, Treasurer, and Minister for Citizenship) [2.24 p.m.]: Today the Government will ask both Houses of the Parliament to pass either the James Hardie (Former Subsidiaries and Winding up and Administration) Bill, James Hardie (Civil Liability) Bill and James Hardie (Civil Penalty Compensation Release) Bill as cognate bills, or the James Hardie (Imposition of Corporate Responsibility) Bill. The legislation will either give effect to a signed deal or to reimpose liabilities on James Hardie. It is still my strong expectation that the Government will introduce the legislation to support a signed deal, but it is now solely in the hands of the board of James Hardie as to which of the bills the Government will ask honourable members to debate and pass. Either debate can occur tomorrow, depending on the way the board chooses to act.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr DARYL MAGUIRE (Wagga Wagga) [2.25 p.m.]: I move:

> That General Business Notice of Motion (General Notice) No. 781 [Greater Southern Area Health Service] have precedence on Thursday 1 December 2005

As I speak, the Greater Southern Area Health Service is in crisis, financially and structurally. The suppliers that provide the goods and services for the Greater Southern Area Health Service are continually complaining about unpaid bills. Those complaints have been on the airwaves and they have been in the printed media for all to see and hear. Surgeons are complaining, the doctors are complaining and the visiting medical officers are not being paid.

There can be no greater example of the need for this to be debated in this House than the situation that confronted Gail Turner in Wagga Wagga last week. This lady underwent a mastectomy nine weeks ago. She was given a voucher to present at her local Myer store to buy a prosthesis and prosthetic bra. When she presented to that store she was fitted with this product and she was feeling good about herself. But when she presented at the counter with a voucher, the voucher was rejected. After nine attempts to try and access nine separate Greater Southern Area Health Service accounts she was rejected. She left that store in tears unable to take with her those goods that she needed. She wrote to me on the Monday morning.

Mr Matt Brown: Darryl, you can be more convincing than that.

Mr SPEAKER: Will the honourable member for Wagga Wagga clarify which motion he is referring to?

Mr DARYL MAGUIRE: I am referring to General Business Notice of Motion No. 781, which is about unpaid bills.

Mr Carl Scully: Point of order: I am trying to assist the honourable member. I cannot clarify whether the House should allow the reordering of business when the honourable member has asked for the reordering of the motion by the honourable member for Willoughby, being No. 781. Can the honourable member please tell the House which motion he wants reordered?

Mr DARYL MAGUIRE: The motion reads:

> That this House:
>
> (1) notes the Chief Executive Officer of the Greater Southern Area Health Service (GSAHS) Stuart Schneider's comments that it is unacceptable to have a position where creditors are not paid in a timely fashion.
>
> (2) calls on the Minister for Health to acknowledge that businesses in the Riverina are owed thousands of dollars due over 45 days by GSAHS, including some since December 2004.
>
> (3) calls on the Carr Government and the Minister to pay up.

Notice of the motion was given in this House on 26 May 2005, as recorded on *Notices of Motions and Orders of the Day*. Can I pick up on the interjection made earlier by the honourable member for Kiama. There has been an SOS sent from Kiama: They have lost their village idiot—it is time he went home. [*Time expired.*]

Mr CARL SCULLY (Smithfield—Minister for Police, and Minister for Utilities) [2.28 p.m.]: The honourable member for Wagga Wagga has to realise that the House requires the notice of motion to be identified in order to have it considered for reordering of business. He is actually referring to motion No. 752. I have had insufficient time to properly consider the motion, so I think the safest option is just to say no.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 33

Mr Aplin	Mrs Hopwood	Mr Slack-Smith
Mr Armstrong	Mr Kerr	Mr Souris
Mr Barr	Mr Merton	Mr Stoner
Ms Berejiklian	Ms Moore	Mr Tink
Mr Constance	Mr Oakeshott	Mr Torbay
Mr Debnam	Mr O'Farrell	Mr J. H. Turner
Mr Draper	Mr Page	Mr R. W. Turner
Mrs Fardell	Mr Pringle	
Mr Fraser	Mr Richardson	*Tellers,*
Mrs Hancock	Mr Roberts	Mr George
Mr Hazzard	Ms Seaton	Mr Maguire
Ms Hodgkinson	Mrs Skinner	

Noes, 51

Ms Allan	Mr Gaudry	Mr Pearce
Mr Amery	Mr Greene	Mrs Perry
Ms Andrews	Ms Hay	Ms Saliba
Mr Bartlett	Mr Hickey	Mr Sartor
Ms Beamer	Mr Hunter	Mr Scully
Mr Black	Mr Iemma	Mr Shearan
Mr Brown	Ms Judge	Mr Stewart
Ms Burney	Ms Keneally	Ms Tebbutt
Miss Burton	Mr Lynch	Mr Tripodi
Mr Campbell	Mr McLeay	Mr Watkins
Mr Chaytor	Ms Meagher	Mr West
Mr Collier	Ms Megarrity	Mr Whan
Mr Corrigan	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Morris	
Mr Daley	Mr Newell	*Tellers,*
Ms D'Amore	Ms Nori	Mr Ashton
Mr Debus	Mr Orkopoulos	Mr Martin
Ms Gadiel	Mrs Paluzzano	

Pairs

Mr Cansdell	Mr Gibson
Mr Hartcher	Mr McBride
Mr Humpherson	Mr Price

Question resolved in the negative.

Motion negatived.

NSW OMBUDSMAN

Report

Mr John Watkins tabled, by leave, the report entitled "On the Spot Justice? The Trial of Criminal Infringement Notices by NSW Police", dated April 2005.

PETITIONS

Gaming Machine Tax

Petition opposing the decision to increase poker machine tax, received from **Mr Andrew Stoner**.

Alstonville Bypass

Petition requesting that the Alstonville Bypass be completed by the end of 2006, received from **Mr Donald Page**.

Pensioner Travel Voucher Booking Fee

Petitions requesting the removal of the $10 booking fee on pensioner travel vouchers, received from **Mr Greg Aplin** and **Mrs Shelley Hancock**.

Murwillumbah to Casino Rail Service

Petitions requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Thomas George**, **Mr Neville Newell** and **Mr Donald Page**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

Bus Service 300

Petition requesting improved bus services including expansion of the 300 series bus service to adequately serve the inner city, particularly during peak-hour travel, received from **Ms Clover Moore.**

Bus Service 352

Petition requesting extension of bus service 352 to operate on nights and weekends, received from **Ms Clover Moore**.

Blacktown to Richmond Night Bus Service

Petition requesting a bus service from Blacktown along the Richmond line between midnight and 5.00 a.m., received from **Mr Steven Pringle**.

North-west Rail Link

Petition requesting that the north-west rail link be completed by 2010, received from **Mr Steven Pringle**.

CountryLink Rail Services

Petition opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mr Andrew Stoner**.

Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Ms Gladys Berejiklian**.

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Kurnell Desalination Plant

Petition opposing the construction of a desalination plant at Kurnell, received from **Mr Malcolm Kerr**.

Port Stephens Electorate High School Student Numbers

Petition requesting Department of Education statistics on the number of children from Medowie, Tanilba Bay, Lemon Tree Passage and Salt Ash who will attend public high school, received from **Mr Brad Hazzard.**

Colo High School Airconditioning

Petition requesting the installation of airconditioning in all classrooms and the library of Colo High School, received from **Mr Steven Pringle**.

Breast Screening Funding

Petitions requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell**, **Mr Andrew Fraser**, **Mrs Shelley Hancock**, **Mrs Judy Hopwood** and **Mr Andrew Stoner**.

Campbell Hospital, Coraki

Petition opposing the closure of inpatient beds and the reduction in emergency department hours of Campbell Hospital, Coraki, received from **Mr Steve Cansdell**.

Coffs Harbour Aeromedical Rescue Helicopter Service

Petition requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Andrew Fraser**.

Lismore Base Hospital

Petition requesting that Lismore Base Hospital remains an accredited centre of excellence, received from **Mr Thomas George**.

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

Yass District Hospital

Petition opposing the downgrading of existing services at Yass District Hospital, received from **Ms Katrina Hodgkinson**.

Mental Health Services

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

Kempsey District Hospital

Petition requesting that Kempsey District Hospital be maintained at level 4, and requesting the construction of a new hospital for Kempsey, received from **Mr Andrew Stoner**.

Isolated Patients Travel and Accommodation Assistance Scheme

Petition objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Mr Andrew Stoner**.

Pet Sales

Petition requesting a ban on the sale of pets from pet retail outlets, and that such sales be restricted to qualified registered breeders and pounds, received from **Ms Clover Moore**.

Recreational Fishing

Petitions opposing any restrictions on recreational fishing in the mid North Coast waters, received from **Mr Andrew Stoner** and **Mr John Turner**.

Crown Land Leases

Petition requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **Ms Katrina Hodgkinson**.

Edinburgh Road, Castlecrag, Traffic Conditions

Petition requesting a right turn arrow for traffic travelling west on Edinburgh Road, Castlecrag, turning north onto Eastern Valley Way, received from **Ms Gladys Berejiklian**.

Naremburn Bike Path

Petition requesting an alternative route to the proposed bike path in the vicinity of Naremburn shops, received from **Ms Gladys Berejiklian**.

Grafton Bridge

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

Nowra Bypass

Petition requesting an appropriate bypass for Nowra, after community consultation, received from **Mrs Shelley Hancock**.

Barton Highway Dual Carriageway Funding

Petition requesting that the Minister for Roads change the Roads and Traffic Authority's priority for Federal AusLink funding for the Barton Highway to allow the construction of a dual carriageway, received from **Ms Katrina Hodgkinson**.

Eastern Distributor and Cross-city Tunnel Ventilation

Petition praying that air purification systems be installed on the Eastern Distributor and cross-city tunnels, received from **Ms Clover Moore**.

Oxford Street Clearway

Petition requesting removal of the Oxford Street clearway and imposition of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

Cross-city Tunnel Ventilation

Petition requesting the installation of an in-tunnel air filtration system in the cross-city tunnel, received from **Ms Clover Moore**.

Old Northern and New Line Roads Strategic Route Development Study

Petition requesting funding for implementation of the Old Northern and New Line roads strategic route development study, received from **Mr Steven Pringle**.

Pacific Highway Upgrade

Petition requesting the construction of a dual carriageway on the Pacific Highway between Nambucca Heads and Macksville with an interim 80 kilometres per hour speed limit, received from **Mr Andrew Stoner**.

Alcohol and Drug Services

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

Cammeray Open Space Rezoning

Petition opposing the rezoning of 2 Vale Street, Cammeray, from open space to residential C, received from **Ms Gladys Berejiklian**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.42 p.m.]: I move:

> That General Business Order of the Day (for Bills) No. 12 [Public Sector Employment and Management Amendment (Ethanol Blended Fuel) Bill] have precedence on Thursday 1 December 2005.

I seek precedence for this bill because the Government cannot be trusted when it comes to implementing ethanol policy.

Mr SPEAKER: Order! I call the honourable member for Bathurst to order.

Mr ANDREW STONER: This matter is urgent because it has taken 10 years and the introduction of a private member's bill by The Nationals for the Government to show any support whatsoever for ethanol-blended fuel. The community has had enough of the green wash and spin from the Government when it comes to the environment. To put it simply, the community and the Opposition do not trust the Government. We have heard all the Government's words about the environment and its support for ethanol-blended fuel. However, we need to mandate it. If the Government supports the use of ethanol-blended fuel it should support The Nationals' bill. It is easy! Bring on the bill and vote for it! If the Government wants ethanol-blended fuel, it should vote with the Coalition; we will all be on the same side of the House.

My bill must be given precedence because the statement made by the Premier a couple of days ago—a belated statement after 10 years—is more about saving the honourable member for Kiama than about genuine environmental concerns. We have seen the Premier's sheer hypocrisy. He made statements about climate change but then turned around and said that the Government will spend $1.3 billion on building a desalination plant that will pumps hundreds of thousands of tonnes of greenhouse gases into the atmosphere. The Premier is a hypocrite. We do not trust him when it comes to ethanol-blended fuel. That is why we want ethanol-blended fuel legislated and mandated. The matter is urgent because we want to see a reduction in harmful pollutants—

Mr SPEAKER: Order! I call the Minister for Small Business to order.

Mr ANDREW STONER: E10 blended fuel, which has a 10 per cent blend of ethanol, would result in a 30 per cent reduction in cancer-causing pollutants.

Mr SPEAKER: Order! I call the honourable member for Kiama to order.

Mr ANDREW STONER: The Nationals want to see more secure income for our farmers. The matter is urgent because The Nationals want to see a reduced reliance on imported fossil fuels. Such benefits will flow only if we mandate to ensure that fuel companies are forced to respond by supplying E10-blended fuel throughout New South Wales. That is what the private member's bill does. If the Government wants to support ethanol-blended fuel it should support the bill.

Mr CARL SCULLY (Smithfield—Minister for Police, and Minister for Utilities) [2.45 p.m.]: The Leader of The Nationals should apologise for the pathetic stance of the Federal National Party. The Nationals got rolled. John Howard said he would not compel the Federal fleet to have ethanol-blended fuel. Mark Vaile was rolled. The Leader of The Nationals should get on the phone to his counterpart and apply pressure to ensure that the Federal Government does what the New South Wales Government has announced it will do. It is ridiculous. We have already announced that we will introduce ethanol-blended fuel and we will do it.

Mr SPEAKER: Order! The Leader of the House has the call.

Mr CARL SCULLY: This bill is sloppy.

Mr SPEAKER: Order! I call the honourable member for Bathurst to order for the second time.

Mr CARL SCULLY: It shows a sloppy, lazy Opposition. The Government is doing it how it should be done—contractually—and it will be implemented in 2006.

Mr SPEAKER: Order! I call the Leader of The Nationals to order.

Mr CARL SCULLY: Indeed, members opposite should have been at Kiama.

Mr SPEAKER: Order! The honourable member for Bathurst will cease interjecting.

Mr CARL SCULLY: This is sad because in Kiama the Premier and the honourable member for Kiama made a substantive announcement about the very thing that The Nationals' legislation seeks to do. It is out of place; it is too late. It is an example of why we will have to re-allocate the benches for Opposition and Independent members, because many Opposition members will not be returned. The Opposition benches will be jam packed with Independents representing seats previously held by Coalition members. The answer to re-ordering is no.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 32

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Armstrong	Mrs Hopwood	Mr Slack-Smith
Mr Barr	Mr Kerr	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Cansdell	Mr Oakeshott	Mr Tink
Mr Constance	Mr O'Farrell	Mr Torbay
Mr Debnam	Mr Page	Mr J. H. Turner
Mr Draper	Mr Pringle	Mr R. W. Turner
Mr Fraser	Mr Richardson	*Tellers,*
Mrs Hancock	Mr Roberts	Mr George
Mr Hazzard	Ms Seaton	Mr Maguire

Noes, 53

Ms Allan	Ms Gadiel	Mr Orkopoulos
Mr Amery	Mr Gaudry	Mrs Paluzzano
Ms Andrews	Mr Greene	Mr Pearce
Mr Bartlett	Ms Hay	Mrs Perry
Ms Beamer	Mr Hickey	Ms Saliba
Mr Black	Mr Hunter	Mr Sartor
Mr Brown	Mr Iemma	Mr Scully
Ms Burney	Ms Judge	Mr Shearan
Miss Burton	Ms Keneally	Mr Stewart
Mr Campbell	Mr Lynch	Ms Tebbutt
Mr Chaytor	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Mr Daley	Ms Moore	Mr Yeadon
Ms D'Amore	Mr Morris	*Tellers,*
Mr Debus	Mr Newell	Mr Ashton
Mrs Fardell	Ms Nori	Mr Martin

Pairs

Mr Hartcher	Mr Gibson
Mr Humpherson	Mr McBride
Mr Piccoli	Mr Price

Question resolved in the negative.

Motion negatived.

PUBLIC BODIES REVIEW COMMITTEE

Report

Mr Matthew Morris, as Chairman, tabled report No. 3/53, entitled "Issues Arising From the Corporate Governance Inquiry: The Greater Southern Area Health Service, the Mine Subsidence Board, the Postgraduate Medical Council", dated November 2005.

Ordered to be printed.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report

Mr Jeff Hunter, as Chairman, tabled report No. 11/53, entitled "Comparison of Various Models of the Regulation of Traditional Chinese Medicine, August/September 2005," dated November 2005.

STANDING COMMITTEE ON PUBLIC WORKS

Report

Mr Kevin Greene, as Chairman, tabled report No. 53/05, entitled "Inquiry into Infrastructure Provision in Coastal Growth Areas", dated November 2005.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

SNOWY MOUNTAINS HYDRO-ELECTRIC SCHEME

Mr PETER DEBNAM: My question is to the Premier. Given the secret negotiations between his Government, the Victorian Government and the Commonwealth Government, when does he plan to tell the people of New South Wales about his secret plan to privatise the Snowy Mountains Hydro-electric Scheme?

Mr MORRIS IEMMA: The Leader of the Opposition hopped up with a little more vigour than he did yesterday, but still not enough to make anybody listen. No-one is listening because there is never a plan or a policy, simply criticism.

Mr SPEAKER: Order! The Leader of the Nationals will resume his seat.

Mr MORRIS IEMMA: No-one is listening. They were not listening on Saturday. By the way—

Mr Peter Debnam: Point of order: On relevance—

Mr SPEAKER: Order! I cannot uphold the point of order. The Premier is clearly making introductory remarks. The Leader of the Opposition will resume his seat. He has asked a question of the Premier. He will have the courtesy to listen to the reply in silence.

Mr MORRIS IEMMA: When Bob Askin retired there was a 1 per cent swing, with Jim Longley it was 11 per cent and in the last by-election for Pittwater the swing was 26 per cent.

Mr SPEAKER: Order! I call the honourable member for South Coast to order.

Mr MORRIS IEMMA: It was a record-breaking week.

Mr Peter Debnam: Point of order: On relevance again, I assume—

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. It is impossible for the Premier—

Mr Peter Debnam: Do you want me to repeat the question?

Mr SPEAKER: Order! I call the Leader of the Opposition to order. It is impossible for the Premier to conclude his remarks when every two or three sentences the Leader of the Opposition interrupts the flow of proceedings by taking points of order. The Premier has the call.

[*Interruption*]

Mr SPEAKER: Order! My calls for order apply to Government members as well as to Opposition members.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for South Coast to order for the second time.

Mr MORRIS IEMMA: The Leader of the Opposition has to do that because the war goes on. Unless he does that we will see policies and plans, which he has not given us, coming from the Deputy Leader of the Opposition. It has been a record-breaking week: Brian Lara, the greatest run scorer ever; Peter Debnam, the biggest swing ever. Welcome to the record books, Peter.

REGIONAL EMPLOYMENT AND INVESTMENT

Mr STEVE WHAN: My question is directed to the Premier. How is the Government protecting regional jobs and creating new job opportunities in New South Wales?

Mr MORRIS IEMMA: I am pleased to inform the House of our latest efforts to attract investment and jobs for New South Wales. In 2004-05 business investment in New South Wales rose by 16.4 per cent. That is the highest annual level on record. In the 12 months to September of this year almost 40,000 new companies registered in New South Wales. This compares with about 38,000 in Victoria and around 25,000 in Queensland. That record is in large measure due to the Government's relentless efforts to secure business investment in New South Wales.

Mr Andrew Stoner: You tax them more. You tie them up in red tape.

Mr MORRIS IEMMA: Ask a question about it. I pay tribute to the outstanding work of the Department of State and Regional Development. I can inform the House of the latest efforts to secure jobs and investment for New South Wales, especially southern New South Wales. The Government's assistance has helped secure the future of ION Automotive Systems in Albury, saving 520 jobs for this important regional centre. The firm has been in operation for 35 years. It is a regional success story. Its products are of such quality that they are used by the Ford Motor Company. Unfortunately, ION went into voluntary administration in December last year, with the real possibility that the factory would shut, putting 520 workers out of a job and devastating the Albury community. For almost 12 months the Department of State and Regional Development has worked closely with ION and with the administrators to secure a deal to protect the jobs. A potential buyer, Powertrain Products, has been found for the company.

The Government has secured an agreement in principle to waive the business transfer duty payable by Powertrain Products for its proposed purchase of ION. This will remove the last major hurdle to Powertrain finalising the purchase. If the administrator accepts its offer to purchase, the 520 jobs in Albury will be saved. I

am advised that Powertrain will move to complete the purchase, which could be finalised as early as Christmas. We can add the efforts to secure these 520 jobs to an ever-growing list of securing jobs and investment for New South Wales. For example, a Geelong company chose Guyra for its new greenhouse facility—a $14 million investment and almost 50 jobs. A Melbourne-based company, SalesForce Australia, opened its new 200-seat call centre not in Melbourne but in Ultimo. Byford Equipment relocated its stainless steel manufacturing business from Strathmerton in Victoria to Moama in New South Wales, creating more than 70 jobs. Nash Tanks and Pipes—

Mr Peter Black: Great company.

Mr MORRIS IEMMA: It is a great company, as the honourable member for Murray-Darling said. It relocated from Bendigo to Parkes, an investment of $2.4 million and 20 new jobs. From Queensland, Black Watch Boats relocated its entire operations from the Gold Coast to Chinderah near Tweed heads, an investment of $2.7 million and the creation of 50 new jobs. Hyne and Sons from Queensland has established the largest softwood mill in the southern hemisphere at Tumbarumba, a $100 million investment creating 140 jobs. Allied Timbers, also from Queensland, is constructing a new softwood sawmill and pine timber treatment plant at Bathurst, a $12 million investment and 34 jobs. Investments from other companies have led to the creation of dozens of jobs and tens of millions of dollars worth of investment for New South Wales. We are winning jobs and investment from interstate—a lesson for the Opposition. It should stop talking down New South Wales and the New South Wales economy and join with the Government in attracting investment and jobs for the people of this State. At every opportunity the Opposition talks down the State, in contrast with the Government, which is getting on with the hard job of attracting investment and jobs for the people of New South Wales.

DESALINATION PLANT PROPOSAL

Mr ANDREW STONER: My question is directed to the Minister for Utilities. Given that independent water experts Professor David Waite, Professor Nick Ashbolt, Dr Charles Essery—

Mr Peter Black: Why do you talk only about water?

Mr ANDREW STONER: Water is about the bush, you clown. Given that independent water experts Professor David Waite, Professor Nick Ashbolt, Dr Charles Essery, the Government's own expert water panel member Ian Kiernan, and meteorologists Clare Richards and Richard Whitaker have all condemned the Minister's disastrous desalination plant, and given—

Mr Peter Black: What about the bush?

Mr ANDREW STONER: Do you want to talk about desalination at Broken Hill?

Mr SPEAKER: Order! Government members will come to order. The Leader of the Nationals will complete his question.

Mr ANDREW STONER: Given that all those people condemned the Minister's disastrous desalination plant proposal and that he said on 2UE yesterday that he is "no expert", can he name one expert who does support his desalination plant?

Mr SPEAKER: Order! I have been fairly lenient in applying the standing orders relating to questions. However, the question asked by the Leader of The Nationals took the form of a speech. A question should contain only as much information as is required to make it meaningful. The question asked by the Leader of The Nationals contained far more information than necessary. The Minister for Utilities has the call.

Mr CARL SCULLY: What we have with this particular individual is great confusion because earlier this year he said, "Maybe we need to build a desalination plant, but a small one. Maybe."

Mr SPEAKER: Order! The honourable member for Wakehurst will come to order.

Mr CARL SCULLY: He said, "The Government needs to get on and build it"—and so did the honourable member for Wakehurst, who said, "The Government needs to get on and build a desalination plant."

Mr Andrew Stoner: Point of order: The Minister is misleading the House. He knows full well that my comment was—

Mr SPEAKER: Order! There is no point of order.

[*Interruption*]

Mr SPEAKER: Order! The Leader of The Nationals should acquaint himself with the standing orders. He is not in kindergarten. The Minister for Utilities has the call.

Mr CARL SCULLY: On 21 July, when asked, "Would the Opposition entertain the idea of a desalination plant, albeit a smaller one?" the Leader of The Nationals said, "We would have a look at that option.".

Mr Barry O'Farrell: Point of order: My point of order relates to two of your standing orders—139, about debating the question, and 138, about relevance. He was asked to simply put forward one name. He is refusing to do so. Instead he is flouting Standing Order 139. You are the kindergarten teacher!

Mr SPEAKER: Order! The Deputy Leader of the Opposition knows better than to behave in that way. The point of order has no substance and the Deputy Leader of the Opposition knows that. The Minister has barely started his reply. He has the call.

Mr CARL SCULLY: This is important because it goes to the honourable member's character and integrity on this issue. He is wandering around. This is pretty typical of members of the Opposition. They wander around, holier-than-thou, and project this angelic demeanour that their position today is new. The honourable member has to be held to account. There he was on 21 June saying that if the Government was fair dinkum—

Mr SPEAKER: Order! The rowdy behaviour of members of the Opposition, who have plainly set out to disrupt the proceedings, is totally unacceptable. Any member called to order will now be placed on three calls.

[*Interruption*]

Mr SPEAKER: Order! I place the Deputy Leader of the Opposition on three calls to order.

Mr CARL SCULLY: They do not like this because, as I said yesterday, their opinions on policy change by the hour, depending on talkback radio. On Friday the Opposition had two different positions based on drive-time radio talkback.

Mr Andrew Stoner: I take it you can't name one?

Mr CARL SCULLY: You want one, do you? Okay.

Mr SPEAKER: Order! I call the Leader of The Nationals to order.

Mr CARL SCULLY: Tom Pankratz, a desalination expert, supports the proposal.

Mr Andrew Stoner: Where is he from? Is he from Dubai?

Mr CARL SCULLY: No, he is from the United States of America. It might surprise members of the Opposition to learn that desalination experts come from Israel, California and Singapore. We do not have too many desalination plants in this country. It is a new source of water supply. I do not apologise for what I said the other day. The Government does not apologise for securing Sydney's water supply. I reckon I am right. Folks out there are more concerned that the Government is securing their water supply than about how it is actually securing it. If two or three experts jump out of the palm tree because we have made a decision and say, shock, horror, "You should not be doing that," I say to them that the people of Sydney and this State expect this Government to secure Sydney's water supply. I am not having these characters going around suggesting that we do not have a multidimensional approach to our water supply. We do. We believe in recycling. We are pursuing recycling. We announce the registration of interest—

Mr SPEAKER: Order! The Leader of The Nationals will come to order.

Mr CARL SCULLY: The people of Sydney have been fantastic in regard to water restrictions. There has been a huge reduction in the consumption of water as a result of those restrictions. It is a huge contribution. The Minister for the Environment is pursuing the deepwater access issue. We have recycling, demand management, water restrictions, desalination and, yes, we are praying for rain! This is a multidimensional approach, so do not come into this House and suggest we do not look at all the possible avenues.

EMERGENCY SERVICES MAPPING INFORMATION

Mr GEOFF CORRIGAN: My question is to the Minister for Police. How is the Government improving information provided to police and emergency services responding to 000 calls?

Mr CARL SCULLY: The House would be aware of the excellent work done on a daily basis by our emergency services personnel. The police, ambulance and fire services have a great responsibility in protecting, rescuing and assisting our communities in times of need. It is a job they do well and we are greatly indebted to those men and women who perform these vital tasks. However, from time to time things can go amiss in the performance of those services. Honourable members will be aware of a medical emergency this week in a new part of south-western Sydney. NSW Police has advised that a call was made to 000 just before 5 p.m. on Monday afternoon. The call was made from a relatively new housing estate in Campbelltown, known as Park Central.

I am advised that Park Central is not registered as a suburb. This appears to have caused some confusion among police, who responded promptly to the emergency call. When an ambulance was despatched several minutes later, it went to a street with the same name but in another suburb. It became obvious to the ambulance officers that this was not the correct address. Fortunately, police and ambulance officers did get to the correct address eventually and I am advised that the person who needed attention was appropriately treated. In response to this the Deputy Commissioner (Specialist Operations) has commenced an investigation into how it was handled. He will report his findings to both me and the Minister for Emergency Services.

Let us be clear about this: there is a gap in the system. It needs to be fixed and it will be fixed. It is essential that police and emergency services personnel have the most up-to-date street and property address information available. Earlier today Minister Kelly and I commissioned a review to ensure that our emergency services personnel have immediate access to the most current mapping information available. The review will be chaired by the Surveyor-General, Warwick Watkins, and will include senior police and emergency services personnel. Mr Watkins has advised that online information is currently conveyed to the 000 service on a quarterly basis, but, within weeks, NSW Police will have faster online access to the Department of Lands street and property information.

I am advised that information in regard to new streets and suburbs is supplied by local councils to the Department of Lands, which then forwards it online to the 000 service. It is an online system, which is only as good as the information fed into it. Councils and State government bodies need to ensure that they give timely and accurate information so that it can be passed on to emergency services personnel. Surveyor-General Watkins and his review team will ensure that this information is passed to police and emergency services on at least a weekly basis rather than the current quarterly basis. People living in our newest suburbs need to be assured that police and ambulance officers can quickly locate their homes in times of emergency. We need to ensure that our dedicated emergency services staff have the tools and information they need to carry out their essential work.

SNOWY MOUNTAINS HYDRO-ELECTRIC SCHEME

Mr GREG APLIN: My question is directed to the Premier. Given the secret negotiations by the Government to sell off the Snowy Mountains Hydro-electric Scheme, when does the Premier plan to inform local communities and the union movement of the sale?

Mr MORRIS IEMMA: I would have thought that, given the previous question and the answer that I gave, the honourable member for Albury would have had at least something to say about the Ion company and the 520 jobs we are in the process of securing. I would have thought he would have had just one word to say about the Government's efforts to secure the future of a company that is in administration, with a new buyer coming along—

Mr SPEAKER: Order! The honourable member for Southern Highlands will come to order.

Mr MORRIS IEMMA: I would have thought the honourable member for Albury would have something to say about the Government's efforts to secure 520 jobs in Albury. But he did not.

[*Interruption*]

I have not heard the honourable member for South Coast make any representations about the Government's efforts to secure those jobs—

Mr Peter Debnam: Point of order: The Premier obviously misheard the question. It is about the Snowy Mountains Hydro-electric Scheme. He is selling it off. He should answer the question.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat.

Mr MORRIS IEMMA: We will come to the Snowy Mountains Hydro-electric Scheme in a moment. I would have thought that the honourable member for Albury would take some interest in 520 jobs in Albury.

Mr Greg Aplin: Point of order: That is a deliberate misrepresentation. The Premier knows very well that I brought this matter to the attention of the House in November last year.

Mr SPEAKER: Order! Members should acquaint themselves with the standing orders of the House.

Mrs Jillian Skinner: You are misleading the House.

Mr MORRIS IEMMA: Not at all.

Mrs Jillian Skinner: Greg brought it to your attention—

Mr SPEAKER: Order! The honourable member for North Shore will come to order.

Mr MORRIS IEMMA: Today, did he? I did not hear any word from him today. He said nothing. The honourable member for Albury asked a question about the Snowy, about which I am more than happy to provide information to the House. The honourable member for Albury asked a question about the Snowy Mountains Hydro-electric Scheme, not about Albury, and not about the company Ion and the efforts the Government is making to secure those jobs. With regard to the question asked about the Snowy Mountains Hydro-electric Scheme, I can provide the following information. From time to time corporations owned by the Government develop proposals which require shareholder consideration, and it is our duty to consider those proposals in detail. The board of Snowy Hydro has provided the Government with an equity-raising proposal. It is not a privatisation. The three governments—your friends down in Canberra—

Mr Andrew Tink: Point of order—

Mr SPEAKER: Order! I warn the honourable member for Epping that I will listen closely to his point of order. If he tries one of his usual stunts, he will find himself outside the Chamber.

Mr Andrew Tink: I will be very brief. I just want to know why Steve Whan is looking so wan. It is because of the Government's plans for the Snowy Mountains Hydro-electric Scheme. No wonder he is looking wan.

Mr SPEAKER: Order! There is no point of order. The honourable member for Epping will resume his seat. I place him on three calls to order.

Mr MORRIS IEMMA: The three governments—New South Wales, Victoria and the Commonwealth—are the shareholders of the company and they have an obligation to consider the proposal the board has put forward. No decision has been made by the shareholders on this proposal. Any decision on the Snowy Hydro proposal must be taken unanimously by the three governments. Once a decision has been made, it will be made public.

STORMWATER RECYCLING

Mr STEVEN CHAYTOR: My question without notice is addressed to the Premier. What is the latest information on the Government's plans to increase stormwater recycling?

Mr SPEAKER: Order! The honourable member for Bega will come to order.

Mr MORRIS IEMMA: I thank the honourable member for Macquarie Fields for his longstanding commitment to recycling and harvesting stormwater.

Mr Andrew Stoner: You know the desalination plant is an albatross. Now your rhetoric is changing. You haven't shown any interest in recycling in 10 years!

Mr SPEAKER: Order! If the Leader of The Nationals wants to talk aloud to himself, he can do so outside the Chamber. The Premier has the call.

Mr MORRIS IEMMA: It is strange that the Leader of The Nationals did not say that in his speech to this House on 22 June. At that time he was saying, "Get on and build a desalination plant."

Mr Andrew Stoner: If you're fair dinkum about it.

Mr MORRIS IEMMA: We are fair dinkum about it; we are getting on and doing it. In June the Leader of The Nationals was saying, "Get on and do it." On 22 June the Leader of The Nationals said in this House, "Get on and build a desalination plant." On 21 July he was on radio saying, "Get on and build a small one." But when the Government gets on with building a desalination plant, does the Leader of The Nationals say, "Well, finally you are getting on to do it. We support you"? No. He says, "You should not build a desalination plant."

Last night we had another instalment of the approach the Opposition takes—an approach that the voters of Pittwater had a long time to consider but took a very short time to reject on Saturday night. The Government takes action to secure Sydney's water, and the Leader of The Nationals says no, despite the fact that he advocated for it just six months ago. He was not the only one advocating for it. The Opposition's former leader was advocating for a desalination plant as well. So too is the last remaining Liberal member on the northern beaches—

[*Interruption*]

Mr SPEAKER: Order! The Leader of The Nationals will resume his seat.

Mr MORRIS IEMMA: There used to be four Liberal members on the northern beaches, and now there are two—and one of them may not survive a preselection. The honourable member for Wakehurst was also urging the Government to adopt desalination. By the way, the Opposition's policy was also about building a dam.

Mr Brad Hazzard: Point of order: I wish to clarify a matter for the benefit of the Premier and for the Minister for Utilities. The issue that I pursued, and the Opposition currently pursues, is that reuse should be a priority. Desalination was never, and should never be, the priority.

Mr SPEAKER: Order! This is not the time for a personal explanation. The honourable member for Wakehurst will resume his seat.

Mr Brad Hazzard: Desalination may be part of the equation, but it should never be the priority. In Singapore they did four reuse plants before they even looked at desalination. Years ago it cost $699 for a return trip. Whip up there, Carl, and have a look; you might learn something.

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. I place him on three calls to order.

Mr MORRIS IEMMA: To use the words of the Leader of The Nationals, "The Government must get on with the job of delivering on stormwater harvesting"—which we are—"sewerage reuse, desalination, and a possible new dam." I wonder where? Perhaps somewhere on the South Coast.

Mr SPEAKER: Order! Government members will stop taunting the honourable member for South Coast. They know she is on three calls to order.

Mr MORRIS IEMMA: These are the words of the Leader of The Nationals as recorded in *Hansard* of 22 June: "Announce where the plant will be located"—he knows where the plant is to be located; he has the stickers—"and get on the with the job of building it." I do not know how one could misquote him; this is direct from *Hansard*.

Mr Andrew Stoner: You are taking it out of context. You are misleading the House.

Mr MORRIS IEMMA: So someone has done a cut and paste on me, have they? The Leader of The Nationals said:

> … announce where the plan would be located and get on with the job.

A month later he said:

> Yes, we have looked at that as an option. Let's look at supplementing the water supply with a small desalination plant.

As far as other recycling measures and harvesting stormwater, last night—

Mr Chris Hartcher: It rained!

Mr MORRIS IEMMA: Yes, it rained. That is the extent of the Opposition's water policy: just cross your fingers and hope that it rains. When someone draws the Opposition's attention to the fact that industrial recycling accounts for 14 per cent of use there is backflip number one: no more widespread recycling, it is only for industrial use. But if every single user in Sydney could be signed up it would account for only 14 per cent of water use. Five months ago at least four spokespeople for the Opposition said, "Get on with the desalination plant." When the Government decides to do that, out goes the support.

The Opposition says we should recycle. Then the penny starts to drop and it says recycling will not get us where we want to be. Then it starts to flounder around for some other policy. As Opposition members said, last night it rained. That is it. We have finally fleshed out what its policy is: cross your fingers, hope that it rains and somehow Sydney will get by—not just for one day, not for a year, but cross your fingers and hope that Sydney will get by for the next 30 years. We will not take that approach. We will not gamble with this city's future. That is why the Government last night made a $425 million investment in the environment—the biggest ever single investment. We are overwhelmed by the Opposition's response to it! All the Opposition could do was criticise the increased investment in the environment announced last night: a plan to save our rural rivers, a plan to harvest more stormwater and a plan for more recycling to save our rivers and wetlands. There has been not one positive comment from the Opposition, even though some Opposition members, particularly the honourable member for Wakehurst, have spoken in the past about stormwater harvesting. There has been not one word of encouragement.

Cleaning up Sydney's urban environment does not matter to the Opposition, but is one of our priorities and it has been one of the Government's great achievements over the past 10 years. In 1995 we inherited from the former Government a neglected and stressed city with antiquated and fragmented pollution laws. Every year 310 tonnes of toxic lead were pumped into Sydney's skies. There were no laws to properly clean up contaminated land. Our urban waterways were polluted with litter, millions of litres of raw sewage overflowed into Sydney Harbour every time it rained and household recycling was a meagre 62 kg a year. Today our beaches, waterways and harbour are the cleanest they have been for decades. More than 20,000 tonnes of litter have been collected in pollution traps funded by the Government and 20 billion litres of sewage have been stopped from entering our harbour because of the northside storage tunnel.

We have forced polluting industries to invest $1.2 billion on environmental upgrades. Over the past decade there has been a 97 per cent cut in toxic lead pollution and a 29 per cent reduction in harmful carbon monoxide emissions. Since 1995 household waste disposal in the Sydney metropolitan area has fallen by more than 25 per cent and kerbside recycling is up by more than 50 per cent. But those achievements are not enough. There is a lot more to be done to ensure that Sydney is a liveable, sustainable city. That is why an $80 million urban sustainability fund was included in last night's announcement: a huge new program to work with local councils to deliver a cleaner, more sustainable city. Under the fund we will make grants available to local government for programs such as waste reduction, recycling and recovery, urban biodiversity and waterway restoration.

Our waterway projects, for example, will remove concrete channels and reintroduce natural river and creek banks. That will make our waterways cleaner. It will also attract marine and bird life and will make these

areas more attractive and accessible for local communities. Some of the new funding will be used also for major stormwater programs that will not only help clean up our waterways but will also mean greater use of stormwater for our parks, golf courses and playing fields. Many councils are already doing this by accessing money from the Government's stormwater trust. Successful examples have encouraged us to take extra steps, hence last night's announcement. For example, Rockdale City Council is reusing stormwater on Bexley municipal golf course, saving about 12 million litres a year and cutting pollution into the Cooks River by 100 tonnes a year. Holroyd City Council is using stormwater to irrigate playing fields, saving seven million litres of drinking water a year and diverting 30 tonnes of pollution from the main creek and the Parramatta River. Liverpool City Council is also using stormwater on sporting fields, saving 10 million litres of mains water each year.

Under our urban sustainability program we will now be able to multiply examples like that all across greater Sydney. Ideally groups of councils will band together and work with catchment management authorities and the environmental trust to deliver big, regionally based stormwater projects. This is action to address the fundamental issues that this city faces as opposed to simply talking about recycling and harvesting stormwater, as the Opposition does. The Government is getting on with the job and implementing plans to address those fundamental issues.

MID NORTH COAST MARINE PARK

Mr ROBERT OAKESHOTT: My question is directed to the Minister for the Environment. In light of the Premier's announcement regarding a new marine park on the mid North Coast, can the Minister confirm that the northern boundary for the marine park is Cape Hawke near Forster? If so, can the Minister confirm what impact, if any, will occur in waters of the Port Macquarie electorate?

Mr BOB DEBUS: I thank the honourable member for his question, although I am not sure why he is concerned that there should be a marine park off the boundary of his electorate. It is a good thing and I expected that he would be disappointed when I told him that the boundary of the Port Stephens Great Lakes Marine Park will indeed begin near the Cape Hawke Surf Life Saving Club at Forster and extend southwards to near the Birubi Beach Surf Life Saving Club at the northern end of Stockton Beach in the electorate of the honourable member for Port Stephens.

The establishment of that park will protect marine biodiversity, as other marine parks have. Indeed, the new park will be vital in maintaining and restoring the marine environment around Port Stephens and the Great Lakes, upon which, of course, increasing population and tourism depends. Marine parks protect the best of our marine ecosystems and at the same time they allow for traditional and sustainable activities. Contrary to the belief of some people, these parks also provide distinct economic benefits for local communities.

Mr Andrew Stoner: That is what you said about Coolah Tops National Park. It's the same old line.

Mr BOB DEBUS: The Leader of The Nationals follows a well-established National-Country Party tradition and tells terrible fibs about these kinds of initiatives. Another case in point is Solitary Islands Marine Park at Coffs Harbour, against which, as I recall, the honourable member for Coffs Harbour campaigned rather vigorously.

Mr SPEAKER: Order! The honourable member for Myall Lakes will come to order.

Mr BOB DEBUS: A study by the Marine Parks Authority shows that the park contributed approximately $6 million per annum to the regional economy and that more than 20 jobs were created. The non-use values created by the Solitary Islands Marine Park exceed $10 million per annum. That is the experience of those adjacent to marine parks throughout the world. There is nothing at all surprising about the fact that the now well-established Solitary Islands Marine Park produces that kind of economic benefit, in spite of the efforts of the honourable member for Coffs Harbour and his leader, and I fully expect that the Port Stephens Great Lakes Marine Park will have the same effect.

The Marine Parks Authority will now establish a local advisory committee for the Port Stephens Great Lakes Marine Park and engage the community in the preparation of a draft local zoning plan and then a final zoning plan for the park, which will be completed in the middle of 2006. Recreational fishing is allowed in 80 per cent of the State's existing four marine parks and that will continue to be the case in the Port Stephens Great Lakes Marine Park. Last night the Premier announced the largest single package of environmental initiatives in this State's history. At the time of the last election the Opposition did not have an environment policy at all.

Mr Andrew Stoner: Rubbish!

Mr BOB DEBUS: Show me the document! There is no document.

Mr SPEAKER: Order! The Leader of The Nationals will come to order. The honourable member for Gosford will resume his seat.

Mr BOB DEBUS: It is necessary only to begin talking about environmental matters in this Parliament to see a reflection of the utter ignorance of members opposite on those matters. Commercial fishing is also allowed in many areas in marine parks. In the case of the Port Stephens Great Lakes Marine Park, $10 million will be set aside for the buyback of commercial fishing licences that are affected by the zoning plan. Recreational and commercial user surveys will be widely distributed in the coming weeks to collect information and help with the development of a draft zoning plan. Commercial, tourism and recreational activities such as aquaculture, scuba diving, and whale and dolphin watching cruises will continue within the park. Access to beaches in the new park will remain unchanged. The Government will proceed with this enterprise, notwithstanding the sometimes grotesque ignorance of members opposite, as manifest even now with absurd interjections.

Mr SPEAKER: Order! The honourable member for Myall Lakes will come to order.

DEPARTMENT OF COMMUNITY SERVICES REFORM

Ms PAM ALLAN: My question without notice is to the Minister for Community Services. What measures are being implemented to support the Government's $1.2 billion program to rebuild the Department of Community Services?

Ms REBA MEAGHER: Sadly for too many children domestic violence, sexual abuse, mental illness and the devastating impact of drug and alcohol abuse are the story of their lives. New South Wales, like the rest of Australia, has experienced a marked increase in the number of child notifications and, sadly, our experience mirrors that of the rest of the world. Child protection reports in New South Wales have increased by more than 460 per cent since 1996. That means almost 1,000 new children come to the department's attention every week. That is one child in every classroom in New South Wales. That is one in 10 babies under 12 months of age who were reported to the Department of Community the Services [DOCS] last year.

These figures are shocking and highlight the very real need for the strongest, most responsive child protection system possible. The Government is determined to meet that challenge through its $1.2 billion reform program. We are currently recruiting an additional 875 caseworkers, which will almost double our front-line capacity. We will be able to help more families and more children more quickly. Rebuilding an agency like DOCS must involve more than just resources. We must improve the skill level of our caseworkers, and we are committed to doing that.

Applicants for positions within the Department of Community Services now require a full tertiary qualification and for the first time they are required to undertake an eight-week training course to better prepare them for the challenging road ahead. Legal officers are being employed to support caseworkers with investigations in court work, and more psychologists are being recruited to assist with the assessment of complex cases. Better policies and practices are also needed. The department is upgrading its policy framework to better respond to the complex issues facing struggling families. DOCS estimates that up to 80 per cent of child protection reports involve drug and alcohol misuse. That is why the Department of Community Services, in consultation with the National Drug and Alcohol Centre, is developing new guidelines for the drug testing of parents. Early next year the department will implement a new policy to better respond to neglect. Neglect often coexists with other child protection issues and research shows that neglected children do not develop in the same way as children who have been loved and nurtured.

Mr SPEAKER: Order! The honourable member for Wakehurst will come to order.

Ms REBA MEAGHER: Improving case management practice is a priority in this reform process. The department has been trialling new intake assessment guidelines in a number of upgraded community service centres in advance of the complete roll-out of new caseworker resources. The guidelines are designed to bring greater consistency of decision making across the State. Early indications are that the results of the trial are positive and it will be expanded next year. The department is also improving information systems so that caseworkers can access the information they need in a timely fashion.

The 15-year-old client information system has been replaced with the key information and directory system, known as KIDS. KIDS is designed to help improve the management of child protection reports and information about children and young people. A massive investment has been made in this system, involving the transfer of some 24 million records and more than 6,300 days of staff training. These systems are vital for servicing the families, many of whom are transient and use multiple names as a result of their complex family arrangements.

Rebuilding the Department of Community Services is about increased resources and culture change. The two go hand in hand. It is about supporting and investing in our caseworkers, who do a difficult job that few people have the courage to take on. Culture change of the magnitude to which we are committed requires significant investment in education and training, expert support services, and state-of-the-art information systems and accommodation for a work force of nearly twice the size of the existing work force. Rebuilding a troubled agency like DOCS was always going to take time and resolve. The increased complexity of family breakdown and the effect of intergenerational poverty and neglect require the commitment of a well-resourced child protection agency equipped with a modern work force and armed with modern policies and modern practices. That is what we are determined to deliver.

LISMORE BASE HOSPITAL REDEVELOPMENT

Mr THOMAS GEORGE: My question is directed to the Premier. Given the recent visit by the Minister for Health to Lismore Base Hospital and following the Premier's visit earlier this year, is the Government's budget crisis preventing the Premier from committing the necessary funding to urgently construct stage three of Lismore Base Hospital?

Mr SPEAKER: Order! I call the honourable member for Bathurst to order.

Mr MORRIS IEMMA: The honourable member for Lismore knows full well the plans for the redevelopment of Lismore Base Hospital and the master planning that has taken place. He also knows full well that the redevelopment of the mental health facility at the hospital, the Richmond clinic, is well in hand and is funded in this budget. That is part of the staged redevelopment of the hospital. He is also fully aware of the money that has already been invested, and he has seen the opening of additional facilities and beds in the emergency department, including an EMU. He is fully aware of the extra allocations to open additional beds at the hospital, the additional moneys that have been invested in a good hospital and the Government's continuing plans to further upgrade an excellent rural hospital. The honourable member is fully aware of the timetable and the work being undertaken by the area health service in master planning for the hospital and its future. He is more than aware of the Government's commitments—my commitment as former Minister for Health and the commitment of the current Minister—to ongoing investment in the infrastructure and service development of Lismore Base Hospital and the North Coast Area Health Service.

Mr THOMAS GEORGE: I ask a supplementary question. Given the Premier's answer, will he now give a commitment to the development of stage three?

Mr SPEAKER: Order! I place the honourable member for Gosford on three calls to order. I cannot allow the supplementary question of the honourable member for Lismore because it is clearly a separate question.

Mr Thomas George: Point of order: The original question sought a commitment to stage three. However, I did not hear in the Premier's answer a commitment to the funding of stage three.

Mr SPEAKER: Order! I clearly indicated that the supplementary question was a separate question. It did not arise from the Premier's answer.

MENTAL HEALTH SERVICES

Ms ALISON MEGARRITY: My question without notice is addressed to the Minister Assisting the Minister for Health (Mental Health). Will the Minister update the House on the implementation of the recommendations of the 2002 upper House inquiry into mental health?

Miss CHERIE BURTON: I thank the honourable member for her ongoing support for mental health issues in New South Wales. The select committee, chaired by the Hon. Brian Pezzutti, tabled its final report in

Parliament in December 2002 and made 120 recommendations. The Government's initial response to the report was tabled in Parliament in December 2003. The Hon. Dr Pezzutti agreed to chair the task force to oversee the successful implementation of the recommendations. Today I am pleased to inform the House about the action the Government has taken on implementing these recommendations. This week the implementation task force will publish its progress report on all 120 recommendations made in 2002.

The Hon. Dr Pezzutti recommended mental health reform in the following key areas: first, improved co-ordination of government agencies and the provision of human services to people with a mental illness; second, improved accountability for the delivery of mental health services; third, increased mental health funding; fourth, improved services to families and carers; and, fifth, a review of the Mental Health Act. The Government has accepted these recommendations and is working towards delivering results in these key areas. In 2004 the Government responded with an increase in mental health funding of $241 million over four years. This year the total mental health budget stands at $854 million, which represents 7.8 per cent of the total health budget.

A senior officers group of all key agencies was established to address better co-ordination of government services. An interagency action plan, which is an Australian first, was released in July. The plan is designed so that agencies intervene earlier, work together to support people in the community and respond safely to crisis. The best example of agencies working together is the successful Housing, Accommodation and Support Initiative, known as the HASI program. Since the Pezzutti report, 700 people with a mental illness will receive co-ordinated support from Health, Housing and the mental health non-government sector. That is the number of patients treated by the Royal Prince Alfred Hospital, all of whom are now living independently in their own homes. A priority for the Iemma Government has been to ensure that every dollar we allocate to mental health is spent on providing better outcomes for people with a mental illness.

Mr SPEAKER: Order! I call the honourable member for Gosford to order.

Miss CHERIE BURTON: The implementation task force has been supportive of our approaches in this area. Delivery on mental health is now part of the performance agreement between the chief executive of each area health service and the Director General of NSW Health. The agreement specifies the quality and results expected from the area and the delivery of its local mental health service. A major complaint of the upper House inquiry into mental health services was that funding increases were targeted at acute care. Since the Pezzutti report, increases in funding have been allocated to a range of mental health services, from emergency care to community support.

For example, another 300 beds are planned for the next four years, which will include 100 longer stay sub-acute beds in Western Sydney and regional New South Wales. Nine new psychiatric emergency care centres will provide specialist and immediate treatment for people with a mental illness presenting in emergency departments. The rural emergency care program being rolled out in all rural area health services will provide telephone triage and has removed the need for rural police to be involved in the transportation of patients—another recommendation of the Pezzutti inquiry. There will be an increase in resources to forensic mental health care, including the planned building of a new 135-bed maximum-security forensic hospital at Malabar, and increases in funding for community mental health service provision, with more people on the ground so that people receive assistance when they need it.

On the work force front, this year's mental health nursing Reconnect Program has matched up an extra 171 nurses to area health services, and the number of nurse practitioners has increased from seven in 2003 to 61 in 2005. We are improving the way that mental health services operate through the introduction of the unique patient identifier [UPI]. The UPI will enable clinicians to better access critical information about patients on admission to hospital or community care. And it does not stop there. The Government recognises that families and carers play a vital role in the mental health system, and in response it is increasing its support to them. Earlier this year we announced increased funding of $2.6 million over three years to improve support for families and carers. The total budget for this program is now $3.6 million a year. Families and carers made the most impassioned pleas for assistance during the inquiry. The increased funding will better support families and carers by responding to their needs. Let us hear what the community had to say. In terms of the increase, the executive officer of the Mental Health Co-ordinating Council, Jenna Bateman, said:

> This additional funding... will mean families and carers have better access to the knowledge, support and care they need, when they need it.
>
> The Government is to be congratulated on recognising this area of community need.

The progress report will show that we are making significant improvements to mental health in New South Wales by supporting carers, increasing investment, and making sure that this investment is targeted. Finally, we are supporting planned changes to the Mental Health Act, a key recommendation of this inquiry. Two discussion papers were released in 2004. The first was designed to raise issues involving the use and sharing of information in NSW Health, and impacts on people with mental illness and their carers, friends and relatives. The second paper was designed to look at the operational and treatment issues in the Act. More than 230 submissions were received and the Government has embarked on one of the most comprehensive community consultation programs conducted across the State.

In my former role as Parliamentary Secretary Assisting the Minister for Health I travelled across New South Wales twice to provide the community with a direct link to the Government, giving people the opportunity to have their say on how we could make the Mental Health Act more effective. During this consultation program I met with consumers, carers, community workers, nurses, psychiatrists and occupational therapists. They provided me with their thoughts, concerns and views on mental health provision in New South Wales. Over the two years we have held more than 30 consultation sessions. Last week we held the last of these forums in Parliament House, another step in our consultation process, allowing us to move forward and make the changes we need to better deliver mental health services.

The next phase of the review will be the release by the Minister for Health of the draft exposure bill. This will allow relevant stakeholders and other interested parties to be consulted at each stage of the development of this new legislation. I put on record the Government's appreciation of the hundreds of people across New South Wales who contributed during the process. Their input has gone a long way to making sure we will have a more workable and plain-English piece of legislation with which to govern mental health services in New South Wales.

The report demonstrates the Government's commitment to improving mental health services in New South Wales. We have done a lot but there is a lot more to do. We are investing in practical solutions to deliver mental health services for consumers, families and carers. Finally, I take this opportunity to thank the Hon. Dr Brian Pezzutti and the implementation task force for their efforts in the delivery of reform of mental health services in New South Wales. Dr Pezzutti's input has been invaluable in finding new and innovative ways to provide better services and I thank him for his support.

Questions without notice concluded.

ION AUTOMOTIVE, ALBURY

Personal Explanation

Mr GREG APLIN, by leave: I seek to make a personal explanation to the House in respect of the Premier's impugning my reputation and his unwarranted accusations that I have not made any representation on behalf of the employees of Ion Automotive in Albury, who have suffered a massive retrenchment over the past year. The Premier and his Minister would know that on 18 November 2004 I put a question to the Minister for Regional Development. I asked, inter alia, "What regional development plans are in place to employ some of the 170 employees retrenched from businesses in Albury and Culcairn over the past three weeks?"

Mr Carl Scully: Point of order: The standing orders do not provide for delicate little petals with thin skins to put their case. The honourable member is abusing the standing orders. He is here to participate in robust debate.

Mr SPEAKER: Order! A personal explanation must show how the reputation of the member making the explanation has been impugned by the statement of another member. I accept that the honourable member for Albury made a statement to that effect in his opening remarks. He also claimed that the remarks made by the Premier were wrong. However, to give a detailed dissertation about the substance of the matter would lead to a debate. That is not permitted as it does not form part of a personal explanation. The personal explanation is concluded at this point.

Mr GREG APLIN: Mr Speaker, I seek to add to that.

Mr SPEAKER: Order! I have ruled on the matter. The personal explanation is concluded.

HONOURABLE MEMBER FOR WAGGA WAGGA NOTICE OF MOTION

Privilege

Mr DARYL MAGUIRE (Wagga Wagga) [4.04 p.m.]: This afternoon I moved that a motion in my name be given precedence, and I quoted the number 781, notice of which was given on 26 May 2005. The parliamentary web site shows that motion to be No. 781. On today's daily program that motion is numbered 752. On 7 June there were three paragraphs in my notice of motion but in today's notice of motion, which is numbered 752, there are only two. I seek your advice as to why the two sites do not correspond and why the third paragraph has been removed from my notice of motion.

Mr SPEAKER: Order! This matter was brought to my attention earlier today. I have already referred the matter to the Clerk and I am having it investigated. I do not regard this as a matter of privilege. However, there has been an error in the recording of the motion. An explanation will be provided to the honourable member for Wagga Wagga and the error will be corrected.

Mr Brad Hazzard: Point of order: Surely in that situation the delicate little petal, being the Leader of the House, should apologise to the honourable member for carrying on in quite a stupid fashion.

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat.

HONOURABLE MEMBER FOR LACHLAN QUESTION ON NOTICE

Privilege

Mr IAN ARMSTRONG (Lachlan) [4.07 p.m.]: My matter of privilege is the privilege and responsibility of honourable members to submit questions on notice in writing to Ministers. I did that some 48 hours ago and I have just received, via two members of the Opposition, a response from the Clerks to rewrite one of the questions. The first line of my question asked, "In view of the horror stories that have emerged and exposed the financial plight …" and it has been rewritten to read, "In view of the evident financial plight of the Greater Southern Area Health Service …"

Mr SPEAKER: Order! I have heard sufficient from the honourable member for Lachlan. He knows that to assist members and to ensure that questions on notice comply with standing orders, there is sometimes an attempt to—

Mr Andrew Tink: Edit!

Mr SPEAKER: Not to edit, to correct questions. That is done to assist members, and it is often done in consultation with the member who has submitted the question. If the honourable member is unhappy about the way the question has been recorded, I will allow him to discuss it again with the Clerks and arrive at a version with which he is happy and which complies with the standing orders.

Mr IAN ARMSTRONG: To assist, I ask that it be grammatically correct if there is going to be a correction by the Clerks. My grammar was correct; theirs is not correct.

Mr SPEAKER: Order! I have told the honourable member for Lachlan that the matter will be considered further.

LEADER OF THE HOUSE PARLIAMENTARY BEHAVIOUR

Mr Donald Page: Point of order: During question time today several members sought the call from you and the Leader of the House gave the call to a member, usurping your role. I would like you to make a ruling in relation to that matter, as to whether that behaviour by the Leader of the House was unparliamentary. If everyone does that, this place will become a rabble.

Mr SPEAKER: Order! The honourable member for Ballina will resume his seat. At the time the honourable member for Port Macquarie sought the call there were a number of interjections. I intended to give

the call to an Independent because I have adopted the practice of giving the Independents the call to ask two questions without notice each week. One Independent member sought and was given the call. That is not a secret to anyone. Members on both sides of the House would have been aware of the fact that as the honourable member for Port Macquarie was standing he would be given the call.

CONSIDERATION OF URGENT MOTIONS

Federal Government Industrial Relations Policy

Mr MORRIS IEMMA (Lakemba—Premier, Treasurer, and Minister for Citizenship) [4.11 p.m.]: My motion is urgent because this week the Senate will vote on the greatest attack on workers rights this nation has ever seen. It is urgent because, as representatives of the working families in this State, we need to send a message to our New South Wales senators that we expect them to defeat this legislation. It may be the last chance we have to protect the conditions that allow workers to balance work commitments and family life, conditions that keep employees at work and offer millions of Australians a decent living wage. Members of this House have a responsibility to protect those conditions. That is why we need to debate my motion.

The Senate is the States' House: it is the function of the Senate to represent the interests of the States. If the New South Wales senators are truly interested in representing their State they will vote against the legislation. It is a simple matter. Senators are members of the Senate, and the Senate is the States' House and should reflect the States' interests. What could be more in the State's interest than protecting the working conditions of workers in this State and a system of industrial relations that is independent, effective and efficient and has given workers in this State sufficient protection and the ability to balance work and family commitments.

My motion is urgent because New South Wales has a right to know whether the Opposition will join with us in requesting our senators, the State's representatives in the Commonwealth Parliament, to act to protect the workers of this State. We have a right to know whether the Opposition will join with us and demand that our representatives in the Commonwealth Parliament, our senators, act to secure the working conditions of workers in this State.

The Senate will consider the legislation this week, and that is why my motion should have precedence over the motion of the Leader of the Opposition. The legislation is in the Senate, the States' House in the Commonwealth Parliament, right now. The senators were elected to represent the interests of the whole of New South Wales. The legislation is being considered right now, and we have a right to expect and demand that our senators will give effect to the wishes of this Parliament on behalf of the people of New South Wales, that they will vote down the most draconian attack on workers' rights in the history of this country. We have a right to know where they stand. They have an obligation to heed the will of this Parliament on behalf of the people. They should vote down this draconian legislation and follow the example of those north of the border.

Mr SPEAKER: Order! The honourable member for Epping will come to order.

Mr MORRIS IEMMA: That is why it is urgent that we debate my motion rather than the motion of the Leader of the Opposition. The time for considering the legislation is right now. That is why it is important for this Parliament to pass a unanimous motion calling on New South Wales senators, the representatives in Canberra of the State of New South Wales, to give expression to the will of the people by voting down that legislation.

Police Numbers

Mr PETER DEBNAM (Vaucluse—Leader of the Opposition) [4.15 p.m.]: My motion is very simple. It says:

> That this House condemns the Labor Government's slashing of police numbers.

Unfortunately, the Minister for Police has just run away again. I suspect the Premier is about to as well. Yesterday the Minister for Police said he wanted to debate this issue. We have brought it on today because the Leader of the House said yesterday, "Let's debate police numbers." It is very urgent to every community across New South Wales. It is very urgent in the Premier's electorate. It is very urgent in the electorate of the honourable member for Strathfield.

Mr Milton Orkopoulos: Tell us what your policy on industrial relations is.

Mr SPEAKER: Order! The Minister for Aboriginal Affairs will come to order.

Mr PETER DEBNAM: In Swansea the issues are police numbers, policing on the streets and crime problems. That is why my motion is urgent. I know the Premier wants to grandstand on this issue and try to direct senators somehow. That is the way the Labor Party works. People simply say, "I control you and I am going to tell you what to do."

Mr Alan Ashton: Point of order: The Leader of the Opposition is not creating a case for urgency; he is attacking the Premier. If he wins the vote he will have a chance to do that. I remind the Leader of the Opposition that we have a thousand more police than we had when the Coalition was in government.

Mr SPEAKER: Order! The honourable member for East Hills will resume his seat. I am sure the Leader of the Opposition has heeded his warning.

Mr PETER DEBNAM: The honourable member for East Hills well knows that the Premier can stand it. He does not have a glass jaw, unlike Minister for Police, who has left the Chamber. Let us look at some of the urgent points. The honourable member for Blacktown is not here, but in the last two years his electorate has lost 20 police. In the whole State, 611 have gone. That is according to the police web site, which is updated only to the end of September. If it were updated to the end of November we would see that probably in the order of 700 police have been slashed from the books.

Minister Debus has left the Chamber, but let us look at his electorate of Blue Mountains, where 13 police have been lost in the last two years. Campbelltown has lost 15 police in the last two years. In Flemington 21 police have been lost in the last two years. The honourable member for Liverpool is in the Chamber. His electorate has lost 13 police in the last two years. Macquarie Fields has lost 13 police. That is why it is urgent—

Mr Alan Ashton: Point of order: The Leader of the Opposition is once again rattling off facts and figures as though he has already won the urgency debate. I might point out that in Bankstown, police numbers have increased by 50 in the past two years alone.

Mr SPEAKER: Order! The honourable member for East Hills was making a relevant point until he committed the same sin he attributed to the Leader of the Opposition. However, the Leader of the Opposition must show why his motion should have priority. That does not mean that under the guise of making that argument he can provide a lot of facts and figures that are germane to the substance of the motion he hopes to debate if his motion is given priority.

Mr PETER DEBNAM: I think it is urgent. Currently, police numbers are dropping by about 50 a month. At 30 September they were down 611 from the figure two years ago. They are down to 14,557 on the police web site. In reality they are about 700 down. It is no wonder the resources were simply not there for the terrorist arrests a few weeks ago. That is why general duties officers from Green Valley local area command had to be called on without briefing to arrest a terrorist suspect. That is why there was a shooting and that is why one of the police officers was shot.

I know that issue is currently being investigated and I know that eventually the Premier will have to apologise to the people of New South Wales because he did not have the counter-terrorism resources to put into that operation. At the last minute a car from Green Valley local area command had to be asked to go to pick up that alleged terrorist. That is why the police officer was shot. The police were not briefed, they were not protected, they did not have body armour, and the Premier put them in danger.

One of the reasons you put them in danger is because you have been running down police numbers for two years and are now 700 officers down. Some of those officers could have been moved to the counter-terrorism command, but they were not. The local police were not trained, they were not briefed, and they did not have body armour. They simply did not have the protection or the briefing they needed to do the job—because the Government is slashing police numbers. [*Time expired.*]

Question—That the motion for urgent consideration of the honourable member for Lakemba be proceeded with—agreed to.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY

Urgent Motion

Mr MORRIS IEMMA (Lakemba—Premier, Treasurer, and Minister for Citizenship) [4.20 p.m.]: I move:

> That this House calls on all New South Wales senators to reject the Commonwealth industrial relations legislation when it comes before the Senate this week to protect the living standards of the people of New South Wales.

The legislation currently before the Commonwealth Parliament represents a shameless attack on families, and the Opposition simply refuses to join with the Government in opposing it. Today the Leader of the Opposition and the Leader of The Nationals will have an opportunity to display leadership. They can show independence from their colleagues in Canberra and join the Government in standing up for working families in this State. Members of the Opposition have a chance to do what their colleagues in Queensland have done recently. Lawrence Springborg, the Leader of the Opposition in Queensland, stood up for the rights of working people in that State. He and the Queensland Nationals had the courage to stand up to their Federal counterparts and say that this legislation was not acceptable and that they were not going to tolerate a reduction in conditions for Queensland workers. Lawrence Springborg said:

> The Nationals are resolute: we will not support the legislation before the Commonwealth Senate until such time as all of our issues can be addressed.

They stood up for workers in Queensland. If the major partner in the Queensland Opposition can stand up for the rights of working families, why will the New South Wales Nationals not do so? The Senate, the so-called House of review and the States' House, has the power to reject this shameless attack on the rights of workers. In this motion I call on the representatives of this State—the New South Wales senators who go to Canberra to represent the interests of New South Wales—to do their job and represent the interests of workers and their families in this State.

The message from Pittwater was very clear. The people of Pittwater want an Opposition that will stand for something. They know what the Opposition is always against, but they want an Opposition that will stare down John Howard on industrial relations. How many residents of Pittwater called on the Opposition to support the industrial relations legislation?

Mr Chris Hartcher: None!

Mr MORRIS IEMMA: The honourable member for Gosford said, "None", because he has been resolute in his support of this attack on workers. From day one he has been proud to stand up in this Chamber and say, "I stand with the Commonwealth in attacking working families." He is proud of that. Well, his colleagues in Queensland are not. They have called on their Senate colleagues in Canberra to stand up for the State of Queensland and workers in Queensland and oppose this law. The Coalition's colleagues in Queensland have displayed courage and some spine, and they have stood up to John Howard's legislation, in stark contrast to those opposite, who have not done so.

The motion seeks the support of members of the New South Wales Parliament to send New South Wales senators a clear message in the form of a unanimous resolution of the New South Wales Parliament calling upon them to stand up for the interests of New South Wales workers and working families and oppose the industrial relations legislation introduced into the Federal Parliament. That is what this motion seeks to do. We are calling on those opposite to show some courage, just as Lawrence Springborg did when he said that his party would stand up for the workers of Queensland and send a message to the Queensland senators. That is what the people of New South Wales are seeking. They want the Opposition to stand with the Government and send a unanimous message from this Parliament that the industrial relations laws—the most far-reaching attack on the conditions of workers—will not be tolerated; that they are opposed by the Parliament of New South Wales.

We are asking New South Wales senators to protect a State system that has a proven track record of resolving industrial disputes. Cleaners, bar and restaurant staff, retail workers, bank employees, private sector aged care nurses and childcare workers are but a few categories of workers that will not have bargaining power when it comes to negotiating their entitlements. The fact is that basic entitlements will not be "protected by law" under the legislation proposed by the Commonwealth. The message is a simple one: when Canberra says

"protected by law" what Canberra means is that the boss is entitled to advise you of what you are going to lose. That is what "protected by law" actually means.

Some members of the Opposition have gone out of their way to highlight the importance of balancing family and work, but there is no way that the Federal legislation will protect the conditions that enable workers to balance work commitments and family life. There is no protection for overtime rates, shift penalties, rest breaks, annual leave loading, travel and food allowances, or paid maternity and paternity leave. These award entitlements will no longer be "protected by law" under the Commonwealth's legislation; indeed, the truth is that they are under direct threat. If protecting families is important to members of the Opposition, they will vote with the Government on this motion and ask New South Wales senators to vote down the legislation introduced into the Commonwealth Parliament.

The lowest paid workers in this country are going to lose out. The WorkChoices propaganda campaign is a $55 million lie. Fundamental conditions will not be protected by law and it will be the lowest paid workers, those who have the least bargaining power, who will be the first to lose under the Federal Government's proposal. The Federal Government is attempting to force New South Wales workers into a system that will not provide them with the protection they have enjoyed for decades in an independent State-based system. Worst of all, it will lead to an eroding of the fundamental conditions that enable workers in this State to better balance their work commitments with family life. The Opposition has so far chosen not to support the Government's legal challenge. There has been no word on support whatsoever.

Mr Chris Hartcher: Take around the hat. Do you want us to throw some money in?

Mr MORRIS IEMMA: No, all that you have done is stand up in this House and tell us, with pride, that you support this attack on workers. In Queensland, Lawrence Springborg has shown some spine. He has dared to stare down John Howard and say that Queensland senators ought to act to protect the interests of Queensland workers. What we are seeking is for you to do the same. If it is good enough for Lawrence Springborg and the Queensland Opposition, it ought to be good enough for you. Support this motion and send a unanimous message from the New South Wales Parliament to this State's senators in Canberra—Labor, Liberal and Independent—that says, "Vote down these draconian laws. Vote down this far-reaching attack on workers' rights and conditions."

The least the Opposition can do is join with us to send a clear and unequivocal message to the senators in the States' House in Canberra that when they vote on the legislation they should vote it down and stand shoulder to shoulder, not with John Howard but with the workers of this State. That is the Government's challenge to the Opposition. Join with us, support this motion, and send a unanimous message to the New South Wales senators: Vote down the legislation and stand with the workers.

Mr CHRIS HARTCHER (Gosford) [4.30 p.m.]: I move:

> That the motion be amended by leaving out all words after "That" with a view to inserting instead:
>
> "this House calls on all Australian Labor Party Senators from New South Wales to uphold traditional Labor policy and support the establishment of a national industrial relations system, and further calls on Labor Senators to represent the people, not trade union bosses."

It is important to remember that in the 1920s the Australian Labor Party adopted a policy of the establishment of a single national system and it has argued for that policy ever since. For more than 80 years Labor has believed in a national industrial relations system—so much so that it put it to a referendum.

[*Interruption*]

The ignorance of Labor members is extraordinary. The issue went to a referendum in 1944, it went to a referendum again in 1946, and it went to a referendum yet again under Gough Whitlam in 1974. In 1944, 1946 and 1974 Labor held referendums seeking to establish a national industrial relations system. That is what Labor wanted. But as soon as the Federal Government moved to introduce 80 years of Labor Party policy, what do we get? We get shrills of horror and screams from Government members. The honourable member for Canterbury normally has a lot of good ideas, but on this issue she is simply out of focus. Another Government member is sitting on the backbench. I would not even dignify her by giving her a name. She does not even deserve a name because she is betraying 80 years of Labor policy.

When we look at the great traditions of Labor, we see that Madam Acting Speaker upholds Labor policy. If you go to the electorate of Peats you will see "Marie is Peats" slogans everywhere. You will also see Paul Crittenden painting the slogans at night. I digress. As enjoyable as this is, the important issue here is the amendment. The amendment calls upon Labor Senators to uphold traditional Labor policy and support the establishment of a national industrial relations system. It also calls on Labor Senators to represent the people—something new for the Labor Party—and not worry about trade union bosses.

The problem with the Labor Party is that it is controlled by the trade union machine. And the union machine, of course, is controlled by a gang of bosses who sit down there in Sussex Street. We saw this with the installation of the Premier. Bob Carr went, and suddenly Carl wanted to stand. There was talk that Carl wanted the job. But did Carl stand? Was there a vote? Was there a contested ballot? No. Because Sussex Street said, "No, Carl, you can't stand." Big Eddie and Little Joe marshalled the numbers and, bang, out went Carl. We also saw that with Barrie Unsworth and what happened on that great day at the Town Hall.

Mr Milton Orkopoulos: Point of order: The history of changes of leadership has nothing to do with this debate. Obviously the honourable member for Gosford has no contribution to make. He cannot defend the Federal Government, and that is why he is persisting with this diatribe. I ask that you bring him back to the leave of the motion and the amendment he moved.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I remind the honourable member for Gosford that he should confine his remarks to the motion and the amendment.

Mr CHRIS HARTCHER: I will not say "Marie is Peats" again. But I will say that, like the Swansea bridge, the honourable member for Swansea does not work. The bridge just goes up and down all over the place; it flips and flops. People want it, but they do not get it. The good thing about the honourable member for Swansea is that when they had the big protest meeting, he was not there.

Mr Milton Orkopoulos: Point of order: This is a very important debate. The Opposition did not even have the guts to force a division, even though it opposed the motion. Now it has moved an amendment and Opposition members will not even speak to that amendment. I ask that you bring the honourable member for Gosford back to the leave of the motion and the amendment. He obviously has nothing to contribute to this debate except cheap jokes and vaudeville humour.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! Again I remind the honourable member for Gosford that he should confine his remarks to the motion and the amendment.

Mr CHRIS HARTCHER: I am speaking to the amendment, which calls upon Labor senators to represent the people and not trade union bosses. That is the argument we are putting to the House, and that is what we would like the House to debate: Do Labor senators represent the people or do they represent the gang of trade union bosses that select them? The Minister knows the answer to that question only too well. The honourable member for Camden knows on which side his bread is buttered, because he knows who is going to pull the strings for him. As for the Minister, he did a top job on residential parks. There is no argument there—

Mr Milton Orkopoulos: Point of order: I do not like to interrupt the honourable member for Gosford, but clearly he has nothing to contribute to this debate except a rambling tour around the Chamber and reference to matters that are extraneous to the motion. I ask that you bring him back to the leave of the motion and the amendment.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! For the third time, I remind the honourable member for Gosford that he should confine his remarks to the motion and his amendment.

Mr CHRIS HARTCHER: If the Minister wants some statistics, I will read them out. Under the Howard Government unemployment has fallen and is down to its lowest figure since that Government came to office; indeed, the unemployment figures are the lowest they have been for over 13 years. That is what the industrial relations policies of the Howard Government have achieved. Real wages have increased by 14 per cent, and employment figures have increased. Significantly, while wages and employment have increased, trade union membership has fallen. Indeed, trade union membership is now at its lowest level in history. Only one in six workers in the private sector bothers to take out a union card. If one were to take away those who were conscripted on building sites and forced to join the various building unions, especially the Construction, Forestry, Mining and Energy Union, the numbers would drop even further.

Let us have a look at the real figures that the honourable member for Swansea will not debate. We will never hear from the Premier or Labor Party members any discussion on wage increases, employment figure increases, trade union membership decreases or trade union disputation decreases because workers are well looked after under the present policies of the Howard Government—which will get even better. The workers will be even better off under this national industrial relations system, which is why the Labor Party has for 80 years argued for a national industrial relations system. It is also why the Labor Party put the issue to a referendum in 1944—the great powers referendum of Dr Evatt. When that was defeated, Labor had another go in 1946. Then when Whitlam took office in 1974, he had another go.

Labor has again and again argued for a national industrial relations system. Finally, Labor Party members are getting a national industrial relations system and they are squealing like stuck pigs. They are squealing like stuck pigs because their hearts was never in it. They were insincere, they lacked bona fides, and now the workers will get looked after. But the workers will only ever get looked after under a Liberal government. I commend the amendment to the House. [*Time expired.*]

Mr JOHN WATKINS (Ryde—Deputy Premier, Minister for Transport, and Minister for State Development) [4.40 p.m.]: There are no more fundamental rights in Australian society than those that are enshrined in our industrial relations system. These rights have been built up over more than 100 years and they underpin our way of life. They support our ability to spend weekends with family, to organise our lives so as to attend our kids' sports events, and to even care for sick or elderly family members. Those rights include fair and equitable minimum rates of pay, guaranteed four weeks annual leave, a strong and independent umpire able to settle disputes, and the right to bargain collectively and join a union. These rights have become a part of our social fabric and they are under attack.

We know the National Party as an organisation is more than a little apprehensive about these changes because the Queensland division has called on its senators from that State to oppose the legislation in the Senate. It has called on its representatives in Canberra to vote down the legislation that gives the legal basis to the Liberal Party's vicious attack on the basic work entitlements of every working Australian. They have shown some guts on the Opposition benches north of the Tweed: they are not for kowtowing to the Canberra Liberals; they are not for turning their backs on the lowly paid, the unskilled and the blue-collar workers who in many areas of that State vote for National Party members. [*Quorum formed*.]

The question arises: where do their colleagues here in New South Wales stand on this issue? In Queensland the National Party is the senior partner in the Coalition and it has acted with honour and done what is in the best interests of its constituents. In New South Wales The Nationals are the junior partner in the Coalition parties and they are yet to declare where they stand on the Prime Minister's industrial relations agenda. The Leader of the Opposition will not tell us. The voters are already well aware of his lack of policy. Why have The Nationals remained silent in New South Wales about the most far sweeping changes to basic entitlements this country has ever seen? Is it because they take their orders from the Sydney Liberals? Has David Clarke been on the telephone to the honourable member for Oxley and instructed him and his National Party colleagues to back the industrial relations changes all the way?

More interestingly, have the Federal Liberals told the New South Wales Liberals that there cannot be any repeat of the Queensland situation, so the New South Wales Nats have been told to pipe down? Or does the order come straight from the Leader of the Opposition? Is it because the Leader of the Opposition supports the Canberra Liberals' attack so strongly that he has instituted a chain-of-command approach to the New South Wales Nationals? [*Time expired*.]

Mr ANTHONY ROBERTS (Lane Cove) [4.45 p.m.]: It gives me great pleasure to support my colleague the honourable member for Gosford, who is a strong advocate of workers in New South Wales and across Australia and who has risen many times in this House to support working men and women. He must be commended for that and for his amendment. As the honourable member for Gosford stated, the Labor Party has been waiting 80 years for this, and just like a child at Christmas who has asked for a gift, it comes wrapped up and members of the Labor Party complain. They are just ungrateful.

Mr Chris Hartcher: Led by the left.

Mr ANTHONY ROBERTS: Led by the left, I am led to believe. Let us have a look at what Jeff Shaw, a former Supreme Court judge and a former Labor Minister for Industrial Relations, stated:

> The corporations power has been liberally interpreted by the High Court and can sustain legislation designed to regulate the employment relationships between a corporation and its workforce. Industry and commerce increasingly crosses historically determined State boundaries. The wages and conditions of employees are relevant to national economic considerations and it will often be convenient for both employees and unions to have a uniform national condition.

But let us not stop there: there is more. Laurie Brereton, a former Keating Minister for Industrial Relations, had a great vision for industrial relations. In the Federal *Hansard* on 15 December 1993 he said:

> For the very first time the Industrial Relations Reform Bill provides for the use of the corporation's power of the Commonwealth to facilitate agreement making and to provide for agreement making in every individual enterprise covered by a Federal award in this country. The bill provides for every Federal enterprise to reach an agreement that suits its individual circumstance.

So here we have a former State industrial relations Minister supporting the Federal Government and a former Keating Minister for Industrial Relations supporting the Government. We have to remember that the Coalition in New South Wales is, in fact, the workers party: we have seen that in many elections and we saw that at the last Federal election where 34 per cent of unionised workers voted for the Coalition. There is a strong message there. The Howard Government must be commended for its foresight with respect to this matter and I must give some kudos to the Labor Party because it has been asking for a national industrial relations system for 80 years but it has failed to achieve it.

Mr Chris Hartcher: They were good enough to ask.

Mr ANTHONY ROBERTS: They were good enough to ask, they did take it there, but John Howard is delivering it. We are seeing a new world where there are extensive competitive forces and we are moving towards a simplified national system. It will simplify the workplace agreement-making process. It is going to establish the Australian Fair Pay Commission to protect minimum and award classification wages, which is so important. It will introduce the Australian fair paying condition standard to protect workers' wages and conditions in the agreement-making process. It will enshrine a set of minimum conditions in Federal legislation for the first time ever, which is very important, and the Howard Government should be commended for that.

It will provide modern award protection for those not covered by agreements and will ensure an ongoing role for the Australian Industrial Relations Commission. It will protect against unlawful termination and will better balance the unfair dismissal laws. It will not cut minimum award classification wages and it will not remove protection against unlawful termination. It will not abolish awards and it will not remove the right to join a union. It will not take away the right to lawful industrial action when negotiating an agreement. It will not outlaw union agreements, nor will it abolish the Australian Industrial Relations Commission. I commend the amendment and I call upon the Federal Australian Labor Party senators from New South Wales to vote in favour of it. [*Time expired*.]

Ms DIANE BEAMER (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [4.50 p.m.]: Many aspects of the WorkChoices bill have been well documented and it is nothing more than an attack on the rights and conditions of workers across Australia. More than 3.6 million Australian workers will no longer have access to protection from unfair dismissal. It will scrap the no disadvantage test, meaning that workers will be faced with the prospect of pay and conditions that are below award levels. The Federal Minister will have unprecedented power, with direct control over the setting of the wages through the establishment of the so-called Australian Fair Pay Commission, a body that will be directly accountable to the Minister.

When determining wages the Australian Fair Pay Commission's only task will be to ensure that the economy is competitive. It will not be concerned with balancing the dual needs of a strong economy and wage fairness. Nowhere will these reforms be felt more than in Western Sydney, a region that has high rates of young households and families. It is these people, the so-called Howard battlers, who will be hardest hit by the reforms. Under the Coalition Government families are already struggling to keep their heads above water.

Australian Bureau of Statistics figures show that, on average, households in Western Sydney spend $126 for every $100 they earn. This means that simply to keep food on the table for their children, families are eating into their mortgage or racking up debt on their credit card. Under these reforms the future of these families, many of them in Western Sydney, will result in reduced pay and working conditions. That is frightening. Family life for many in Western Sydney will be non-existent. Longer hours for less pay will be the prospect faced by many. Parts of Western Sydney also have high proportions of low-skilled workers. These workers face a bleak future. They will not have any guaranteed training. They will be expected to improve their skills or keep them up to scratch on their own time.

With the jobs boom in Western Sydney because of the M7 West Link, many local workers face the prospect of missing out on well-paid jobs because of these reforms. Western Sydney also currently receives the bulk of refugees and sponsored entrants from African nations under the integrated humanitarian support scheme. The vast majority of these settlers are from Sudan, many bringing experiences of civil war and long terms in refugee camps. With limited skills, these new Australians have struggled to gain meaningful employment. Under these industrial relations reforms, they will be expected, with their limited English skills, to negotiate fair employment conditions with prospective employers.

The greatest irony of these reforms is that the bill is called WorkChoices. The only real choice that families in Western Sydney will have will be "Come to work or be sacked"; "Accept these reduced conditions or lose your job". I join in the call for all New South Wales senators to vote against the bill this week. I particularly urge Senator Marise Payne, who is based at Parramatta, to stick up for the people of Western Sydney and protect them from this attack on their rights and working conditions. Have the courage of the Queensland National, Lawrence Springborg, who said to John Howard that this bill is not right and that senators in Queensland should vote against it.

We have heard a lot from the Opposition but not much about WorkChoices or the bill. In fact, I do not think the honourable member for Gosford mentioned the bill, anything to do with workers rights, or how his community will be affected. He merely talked about referendums. If he is so sure that we need the bill, he should tell John Howard to put it to a referendum. I assure him that the result would be the same as what happened in Pittwater. The Liberal Party would go down the tube just as it did in Pittwater. The Liberal Party is saying that the Australian people did not want it then, but they want it now, and it will give it to them now and will tell them, "Do it our way." A real concern about this bill is that workers in New South Wales will be completely robbed of their rights. Therefore, we implore New South Wales senators, and Marise Payne, in particular, to vote for the workers of New South Wales.

Mr MILTON ORKOPOULOS (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [4.55 p.m.]: Madam Acting-Speaking, I speak in reply—

Mr Chris Hartcher: Point of order: Only the mover of the motion can speak in reply. The Premier must speak in reply, otherwise the question must be put to the vote.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! Under the standing orders, only the Premier can speak in reply.

Question—That the words stand—put.

The House divided.

[*In division*]

Mr SPEAKER: Order! I remind the honourable member for Epping that the standing orders apply during divisions.

[*Interruption*]

Mr SPEAKER: Order! I call the Minister for Aboriginal Affairs to order. The honourable member for Gosford will resume his seat.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Epping to order.

[*Interruption*]

Mr SPEAKER: Order! I call the Minister for Aboriginal Affairs to order for the second time.

Ayes, 53

Ms Allan	Mr Draper	Mrs Paluzzano
Mr Amery	Mrs Fardell	Mr Pearce
Ms Andrews	Mr Gaudry	Mrs Perry
Mr Barr	Mr Greene	Ms Saliba
Mr Bartlett	Ms Hay	Mr Sartor
Ms Beamer	Mr Hickey	Mr Scully
Mr Black	Mr Hunter	Mr Shearan
Mr Brown	Mr Iemma	Mr Stewart
Ms Burney	Ms Judge	Ms Tebbutt
Miss Burton	Ms Keneally	Mr Torbay
Mr Campbell	Mr Lynch	Mr Tripodi
Mr Chaytor	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Mr Daley	Mr Newell	*Tellers,*
Ms D'Amore	Ms Nori	Mr Ashton
Mr Debus	Mr Orkopoulos	Mr Martin

Noes, 30

Mr Aplin	Mr Kerr	Mr Slack-Smith
Mr Armstrong	Mr Merton	Mr Souris
Ms Berejiklian	Ms Moore	Mr Stoner
Mr Cansdell	Mr Oakeshott	Mr Tink
Mr Constance	Mr O'Farrell	Mr J. H. Turner
Mr Fraser	Mr Page	Mr R. W. Turner
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire
Mrs Hopwood	Mrs Skinner	

Pairs

Mr Gibson	Mr Debnam
Mr McBride	Mr Humpherson
Mr Price	Mr Piccoli

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 55

Ms Allan	Mrs Fardell	Mrs Paluzzano
Mr Amery	Mr Gaudry	Mr Pearce
Ms Andrews	Mr Greene	Mrs Perry
Mr Barr	Ms Hay	Ms Saliba
Mr Bartlett	Mr Hickey	Mr Sartor
Ms Beamer	Mr Hunter	Mr Scully
Mr Black	Mr Iemma	Mr Shearan
Mr Brown	Ms Judge	Mr Stewart
Ms Burney	Ms Keneally	Ms Tebbutt
Miss Burton	Mr Lynch	Mr Torbay
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Chaytor	Ms Meagher	Mr Watkins
Mr Collier	Mr Mills	Mr West
Mr Corrigan	Ms Moore	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Mr Daley	Mr Newell	
Ms D'Amore	Ms Nori	*Tellers,*
Mr Debus	Mr Oakeshott	Mr Ashton
Mr Draper	Mr Orkopoulos	Mr Martin

Noes, 28

Mr Aplin	Mrs Hopwood	Mr Slack-Smith
Mr Armstrong	Mr Kerr	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Cansdell	Mr O'Farrell	Mr Tink
Mr Constance	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Pringle	Mr R. W. Turner
Mrs Hancock	Mr Richardson	
Mr Hartcher	Mr Roberts	*Tellers,*
Mr Hazzard	Ms Seaton	Mr George
Ms Hodgkinson	Mrs Skinner	Mr Maguire

Pairs

Mr Gibson	Mr Debnam
Mr McBride	Mr Humpherson
Mr Price	Mr Piccoli

Question resolved in the affirmative.

Motion agreed to.

INDUSTRIAL RELATIONS AMENDMENT BILL

CRIMES AND COURTS LEGISLATION AMENDMENT BILL

POLICE AMENDMENT (DEATH AND DISABILITY) BILL

Messages received from the Legislative Council returning the bills without amendment.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr David Campbell agreed to:

That standing and sessional orders be suspended to provide at this sitting:

(1) from the commencement of private members' statements until the rising of the House, no divisions or quorums be called; and

(2) at the conclusion of Government business, the House adjourn without motion until Thursday 1 December 2005 at 10.00 a.m.

BUSINESS OF THE HOUSE

Notices of Motions

Mr ACTING-SPEAKER (Mr John Mills): Order! It being 5.15 p.m. the House will now deal with General Business Notices of Motions (General Notices).

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

———

HORNSBY ELECTORATE RAIL SERVICES

Mrs JUDY HOPWOOD (Hornsby) [5.25 p.m.]: I refer this evening to railway services in my electorate, specifically the Rail Clearways project, rail safety and a recent incident at Mount Colah station. The

electorate of Hornsby is the subject of two station alterations under the Rail Clearways program—at Berowra and Hornsby. The project at Hornsby is designed to improve capacity and reliability on the metropolitan rail network. New track and a new platform, No. 5, as well as additional train stabling or parking will be provided. A new platform will be constructed on the western side. Other work will involve the extension of the pedestrian concourse of Hornsby station to cater for the new platform; alterations and reconfiguration of the existing bus interchange; an additional 1.7 kilometres of track between Clarke Road, Normanhurst and Bridge Road, Hornsby; construction of retaining walls and embankment widening to support the new track; alterations to the bridges at Victoria Road and the Pacific Highway; and construction of stabling or parking for six trains.

On 5 May 2005 I asked a question of the Minister about the failure to deliver on his commitment to build an additional platform at Berowra railway station in 2004, as announced in a glossy brochure titled "Rail Clearways—untangling our complex rail network". It said that the planned construction time for Berowra would be 2004 to 2005. It is now 30 November and construction has not started on the platform reconstruction and the establishment of an Easy Access facility at the station. In response to my question the Minister did not appear to have much information on the entire Rail Clearways project as it would impact on the Hornsby electorate. The Hornsby restructure timetable in the same brochure is given as 2005 to 2007. But on the back page it states that the extra platform for Hornsby is planned for construction in 2007 to 2010. I seek clarification of this. No construction has yet started on this part of the project.

Local residents have approached me numerous times and have asked the following questions: Will this project do what it is intended to do? Has this or a similar plan worked anywhere else in the world? With expenditure of the $98 million, why is a multistorey car park not included in the plan, particularly considering that it is the aim to terminate at and commence more train services from Hornsby. In relation to the distribution of information to residents, did all of the dwellings in the distribution area receive flyers? Will all sound abatement measures be provided as originally promised? What exact date will the project be commenced? Will Fusion be adequately compensated for the demolition to Jack's Island Cafe, now run in the old Railway Institute building? What is being done to compensate for the loss of the blue gums?

I now turn to rail safety. In a speech on 24 May the Minister said, "Safety is our highest priority for the New South Wales transport system." A couple of weeks ago a lady fell between the platform and a train travelling north at Mount Colah station. A gentleman came to her aid and was trying to assist her when the whistle was blown by the guard and the train almost moved out. I draw the Minister's attention to that incident on our railway network to make sure that it is given a thorough and complete investigation. It was reported by the gentleman at Berowra station.

SYDNEY PEACE PRIZE

Mr PAUL LYNCH (Liverpool) [5.30 p.m.]: Tonight I draw to the attention of the House the awarding of the 2005 Sydney Peace Prize and the ceremony surrounding it. This is a matter of some interest to a number of my constituents. One of the reasons, although not the only reason, for this is that one of the members of the executive committee of the Sydney Peace Foundation is a constituent of mine, Mr Ab Quadan. Mr Quadan has been involved with the Sydney Peace Foundation for a number of years. Other members of the committee are Dr Tim Fitzpatrick, Lachlan Harris, David Hirsch, Mark Kelly, Dr Ken McNab, James McLachlan, Clare Petre, Lucy Robb, Maree Whybourne and Susan Wyndham. The chair of the foundation is Alan Cameron. The foundation director is Emeritus Professor Stuart Rees.

The recipient of the 2005 Sydney Peace Prize was Mr Olara Otunnu. Mr Otunnu is the United Nations Special Representative for Children and Armed Conflict. Mr Otunnu delivered the City of Sydney Peace Prize lecture on 9 November. On the next night, 10 November, he officially received the peace prize award at the foundation's gala dinner, held in the Great Hall of the University of Sydney. This year Stuart Rees was not attacked by Piers Akerman or Gerard Henderson over the awarding of the peace prize. He certainly was attacked over prizes to Hanan Ashrawi in 2003 and Arundhati Roy in 2004.

I have said previously in speeches to this House that if Stuart is attacked by those sorts of commentators, it merely confirms that the peace prize for that year has been a success. However, despite not being attacked by them this year, the event was still a success. Mr Otunnu is a very impressive and significant figure. The citation from the peace prize jury referred to his "lifetime commitment to human rights, his ceaseless efforts to protect children in time of war, and his promotion of the healing and social reintegration of children in the aftermath of conflict". The foundation director, Stuart Rees, was quoted as saying:

> The jury had been impressed by Mr Otunnu's passionate commitment, advocacy and initiatives to protect the most innocent and most vulnerable members of the community. Children.

Mr Otunnu's background and career is well set out in the following extract:

> In the 1970's as President of the Students' Union in Makere University and as Secretary-General of Uganda Freedom Union, Mr Otunnu played a leading role in the resistance against the regime of Idi Amin. After the overthrow of that regime he was Uganda's Permanent Representative to the United Nations and in the mid 1980's was his country's foreign minister. From 1990 until 1998 he was President of the International Peace Academy. The United Nations Secretary-General Kofi Annan appointed Mr Otunnu as his Special Envoy for the Protection of Children Exposed to Armed Conflict in 1997.

Mr Otunnu has been instrumental in placing the protection of war-affected children on the international peace and security agendas, developing the practice of naming and listing parties to conflicts that brutalise children, and developing a mechanism to monitor and report on compliance and violations of child soldiers. He has travelled the world negotiating to end the use of child soldiers and other violations against children. Nevertheless, his recent report entitled "Children and Armed Conflict" acknowledges that there is continued targeting and brutalisation of children in situations of armed conflict, including their killing, maiming, use as child soldiers, rape and abduction. The report refers to a "human made catastrophe of tsunami proportions". Mr Otunnu stated:

> Those who destroy the children are destroying the future of our societies. We must stop this process of self destruction.

The Sydney Peace Prize is an important Australian institution. Recipients have made significant contributions to global peace. They include steps to eradicate poverty and other forms of structural violence. To quote from the foundation's rationale:

> The need for dialogue to promote peace is urgent. This goal depends on the practice of non-violence, the advocacy of human rights and a determination to embrace principles of humanitarianism in all walks of life.
>
> Peace requires initiatives to abolish the injustices of poverty, hunger, illiteracy, infant mortality and unemployment. The citation of the Sydney Peace Prize refers to peace with justice: the foundation of a civil society.

Prior to 2003 the recipients of the prize have been Professor Muhammed Yunus, Archbishop Emeritus Desmond Tutu, Xanana Gusmao, Sir William Deane and Mary Robinson. As I said, the recipient in 2003 was Hanan Ashrawi and in 2004 was Arundhati Roy. The 2005 prize was presented by Governor Marie Bashir. My only regret about her is that she is a monarchist head of State rather than a republican one, although that comment goes dangerously close to offending against the Federal Government's new sedition laws. The master of ceremonies on the evening was Jennifer Byrne. I congratulate Stuart Rees and the foundation for another successful peace prize and for continuing what is a quite internationally significant institution based in Sydney.

KYOGLE MEMORIAL HEALTH SERVICE

Mr THOMAS GEORGE (Lismore) [5.35 p.m.]: On Monday 28 November I was pleased to welcome the Hon. John Hatzistergos, MLC, Minister for Health, to perform the opening of the Kyogle Memorial Health Service. On that occasion, as member for Lismore I also had the pleasure of representing the Hon. Ian Causley, the Federal member for Page. It was certainly a very big day for Kyogle. The day was a dream come true for the members of the Kyogle Health Service Planning and Steering Committee, which was elected in January 1995 and given the task of attempting to devise a replacement for the hospital. The Multi Purpose Service Program is a joint Commonwealth-State initiative established as one mechanism to address the difficulties of providing acute services and aged care services in rural and remote communities. It certainly has provided those services at Kyogle.

The State Government provided funding of $10.3 to build a new centre, but it would not have been possible, of course, if the Federal Government had not provided recurrent funding for the 25 aged care licences and the six community care packages. The committee began working with the area health service in January 1995 and has met almost every month over that period of 10 years. The committee has certainly been dedicated. During the first two years the committee was busy collecting data relating to the health needs of the Kyogle community to determine where the gaps were in available services. But all that came to an abrupt halt when the committee was advised by the area chief executive officer that its plan was not acceptable to the New South Wales Department of Health and that there would be no point in continuing.

Undaunted, the committee decided to say "goodbye" to the area health service, adopt the motto of "Patience, Politeness and Persistence", and pursue the matter. It certainly did that. In 1999 the then Minister for

Health, Craig Knowles, established a committee to further investigate the health needs of rural and remote New South Wales. I advised the president of the local committee, Tom Fitzgerald, who wrote to Ian Sinclair and invited him to visit Kyogle, and the first meeting of the Sinclair Committee was held in that town. The Sinclair Committee expected 10 or 15 people at the lunchtime meeting in the Kyogle Town Hall, but 350 people turned up. It was soon decided that Kyogle deserved to be included in the Multi Purpose Service Program and that is when the local committee began its hard work.

Kyogle now has a purpose-built centre that will provide comfortable and dignified surroundings to all who come through its doors and a continuum of health services for many years to come. I pay tribute to Tom Fitzgerald and his wife, Betty, who has supported him. Tom headed up the steering committee, whose members included Ruth Barringham, Heather Bartnick, Mayor Ernie Bennett, Sandra Davies, Judy Ellem, Sue Ellis, Anne Feodoroff, Mary Garred, Bill Greenaway, Grahame Gooding, Alyson Jarrett, Joe Llewellyn, Dr Perry and Vahid Saberi. Particular thanks go to Ruth Barringham and Joe Llewellyn, who have worked with Tom Fitzgerald since the inception of the committee in 1995.

Appreciation is extended to the New South Wales Ambulance Transport Service for its contribution towards the building costs. Particular thanks go to Vahid Saberi and John Lambert, Manager of Assets and Capital Works, and Murray Saul from the Department of Commerce. The Fundraising Committee under President Mrs Ellen Dougherty and Secretary Margaret Ellis—two great names from Kyogle—and former president the late Mrs Edna Andrews raised $215,000 towards the project. The committee purchased a motor buggy, piano and hydraulic commode, and paid for landscaping to the tune of $15,000. The community donated a total of $89,000, including $20,000 from the hospital auxiliary, towards the cost of the digital x-ray—the first online digital x-ray in Australia.

I place on record my appreciation of the efforts of the entire community, the service clubs, and everyone who contributed to the success of the Kyogle Health Centre. In that regard I mention a recent donation of $20,000 from Mr and Mrs Alan Brown. Thanks also go to Mrs Helen Flower, also of the History Book. It was a great day and a credit to the Kyogle community. Congratulations, and well done!

TRIBUTE TO MR LINDSAY MARTIN

Mr BARRY COLLIER (Miranda) [5.40 p.m.]: It is with the deepest sorrow that I inform the House of the tragic death of Mr Lindsay Martin of Gymea on Wednesday 16 November. Sadly, a 21-year-old man has since been charged with Mr Martin's murder. Lindsay Martin was well known for his unselfish volunteer and advocacy work with local youths and seniors. His sudden death has left the Gymea community in a state of disbelief—shocked, angry, grieving and asking why. I do not recall where and when I first met Lindsay Martin, but it seems he was always there. Lindsay was always there, not for himself but for someone else—someone with a problem, someone less fortunate, someone who needed help. When he was not out there helping local youths and seniors, he was telephoning me or attending my office, drawing my attention to someone from Gymea who needed my help. So often these were the little people, people struggling with daily life who would not even think about approaching their local member of Parliament for help.

Lindsay was a great advocate for the people of his beloved Gymea. He worked as a volunteer at the Gymea Community Centre, he established a local senior men's group, and more recently he established the Gymea Residents Precinct Committee and got a newsletter up and running. At the time of his death, this 73-year-old pensioner was working to get Sutherland council to improve the footpaths in Gymea Village. Lindsay helped me collect signatures on a petition to help me persuade the Carr Government to install a lift at Gymea railway station. I know that Lindsay was so proud to be one of the first official passengers in that lift, together with the Minister and me. Lindsay believed in the dignity of human beings, a fair go for all, and equality of opportunity, and he fought to apply these principles when he could.

Gymea lies in the heart of my electorate. When I think of the people of Gymea, I cannot help but think of Lindsay Martin—a man who was caring, a man of compassion, a man with a heart as big as the suburb itself. These are my words, but members of the Gymea community have expressed their feelings, their thanks and their gratitude, and I believe their love, for this good Samaritan, Lindsay Martin, in their own words. Pat Armstrong, a local resident who often saw Lindsay carrying a senior's shopping bags, referred to him as "community man". Lindsay's neighbour, Kelli Price, knowing he was not well, told me, "Lindsay was selfless in his own pain." Gymea milko Peter Bray said he would often see Lindsay "up the shops chewing someone's ear, giving advice and listening to someone else's problem".

The President of the Gymea Community Aid and Information Service, Mrs Karen Mack, told the *St George and Sutherland Shire Leader* that Lindsay "embodied the spirit of the community and was just so giving …" She told the *Daily Telegraph*, "He would do anything for you … in fact, he is an icon in the area." The Gymea Community Centre has a condolence book for Lindsay. One entry reads, "Lindsay, you were a very special man who touched so many hearts." Another entry reads, "Thank you for your courtesy and your generosity of spirit." Yet another entry reads, "I will miss you. Thank you for everything you did for my son."

But one could not but be moved by the spontaneous outpouring of grief and sense of loss among the youth of Gymea. Lindsay helped many a troubled young person, acting as their mentor, and giving them advice and wise counsel. As 21-year-old Ben Thompson told the *Sydney Morning Herald*, "[Lindsay] was a kind, caring man. He would put himself out of pocket to help other people … I went through a rough patch in life and he helped me sort it out." On a wall in the park alongside the Gymea Community Centre local youths have expressed their grief and sorrow and their thoughts and thanks to Lindsay. At the top of the wall is the statement, "Lindsay, we know how much you don't like graffiti, but it's for you, mate. Luv ya." I shall never forget standing in that park reading the graffiti, holding back the tears, as I read the messages. One message reads, "We're gunna miss ya so much. You taught me right from wrong and you'll always, always be in my heart." Another message reads, "Thank you for caring for me in a time of need."

In the same park there is a tree stump. Local youth have placed a picture of Lindsay Martin on the stump as a kind of temporary memorial. Young Ben Thompson has begun a petition to Sutherland council seeking its permission to erect in the park he loved a permanent memorial or plaque recognising Lindsay's work on behalf of the community. I commend Ben Thompson for his commitment to the memory of his friend and mentor, Lindsay Martin. The last time I saw Lindsay he was selling raffle tickets for the Gymea Community Centre on a cold, wet day in Gymea and raising funds for the precinct committee. I have been to Gymea Village since Lindsay's passing. I have walked through the park, walked past the table outside William's shop at which he often sat, and caught the lift down to the platform where I often found Lindsay talking with the station master, Ben. But something is different; someone familiar is missing. As one entry in the condolence book records of Lindsay, "It won't be the same without you."

I extend my deepest sympathies to Lindsay's family and his many friends in the Gymea community. Lindsay, we are proud to have known you and we are privileged to have been able to count you as one of us. The last word belongs to the community. An entry recorded in the condolence book says it all, "Lindsay, we shall miss you. The world is in need of decent, compassionate human beings and you were a fine example."

HOME WARRANTY INSURANCE

Mr STEVEN PRINGLE (Hawkesbury) [5.45 p.m.]: Every member of this House knows that economically New South Wales is the poorest performing State in Australia. We have just had the worst financial year since the last recession. In October New South Wales lost some 20,000 jobs. Our unemployment stands at 5.4 per cent, compared with 4.9 per cent for Queensland and 4 per cent for Western Australia. We should have the powerhouse economy of Australia but, unfortunately, that is far from the case. One of the many reasons for our State not doing well economically is that the Government is simply making it too difficult for businesses to employ people and that there are far too many hoops for businesses to jump through.

Let us take the building industry. One of my constituents, Darren, is a 31-year-old carpenter-joiner by trade. He has a master builders certificate, he is the director of a construction company, he has a builders licence, and he is married with a 14-month-old baby girl. Darren epitomises the problems faced by businesses in New South Wales. His business has a turnover of between $300,000 and $600,000 a year. Currently the company employs two administration staff and two tradesmen and, more importantly, more than 30 subcontractors. Over the past five years the company has employed up to 10 apprentices, something that many businesses have not been willing to do.

In other words, the company has been doing the right thing. It specialises in home renovations and extensions. Previously the company had home warranty insurance with HIH, Dexta and Vero. The company has never lodged a claim for home warranty insurance. Over the past few years Darren has been trying to build up the company. During 2004 and 2005 the company has injected any profit made back into the company. It has increased its advertising, and created a new company image and logo, the costs for which are in line with normal business goals. Darren has worked hard to establish the company in the renovation and extensions market, and to expand the company to a level where it is large enough to compete yet small enough to provide personal and quality service to its customers.

The company has increased its staffing level, and it wants to continue to increase its staff base. The company advertised in the *Daily Telegraph* for a first-year or second-year apprentice carpenter. Incredibly, more than 80 people applied for the position and at least 20 resumes were received. As a result of the advertisement the company also received phone calls from tradesmen seeking work. Darren has a sensible strategy for growing the company. Last year the company did not show a profit, for the reason I outlined. Funds were injected back into the company, and Darren was engaging in a long-term strategy rather than a short-term strategy and trying to build up the company for the benefit of his family and his future.

All three home warranty insurance companies said to Darren, "Sorry mate, you are no longer eligible for home warranty insurance." This fellow has been in the industry for many years and he has a proven track record. Indeed, the company is doing extremely well. However, Darren was told that to be eligible for home warranty insurance the company needed to make a capital injection of ordinary shares of $50,000. Most people do not have a spare $50,000 lying around in their bank account. Darren's wife said, "I am not interested in that; it is too much. We are not going to put the family at risk by putting $50,000 into the company and not having it available for the family's use." Darren went to his lawyer, who advised him not to make the capital injection of $50,000 because it would be a waste of time. His accountant gave him similar advice.

The company' builders licence allows it to undertake works up to the value of only $12,000 unless the company has home warranty insurance. It is difficult to run a business under such a restriction. The company has signed contracts worth $150,000, but it cannot progress them. The company's staff base will now be eroded, and the apprentice position that was advertised is no longer available. In addition, many apprentices who could have secured a job will now not be given a job. Indeed, the company may have to retrench existing staff for the reasons I have outlined.

A young, enthusiastic builder with a proven track record cannot get home warranty insurance because of a stupid home warranty insurance system the Government has failed to address. Apprentices and tradesmen are out of work, and business investment is being lost to other States. Darren has said he will consider moving interstate. This issue has been around for a long time. Previously it has been raised by the Speaker of this House, the honourable member for Tamworth, and many other members. There was even an inquiry by Richard Grellman, but still no action has been taken. It is time for the Government to take serious action to fix the home warranty insurance problem. [*Time expired.*]

TRIBUTE TO MR JOHN WALLISS

Mr ALAN ASHTON (East Hills) [5.50 p.m.]: In the week when we may finally have settled the dispute with James Hardie over asbestos claims for victims, it is appropriate that I have this opportunity to pay tribute to the life and achievements of John Walliss, a victim of asbestosis, who passed away on 24 March this year. John spent nearly 20 years employed in the metalworking industry, where he became a dedicated and tireless advocate of workers' rights. He became a shop steward and a delegate in the Amalgamated Metalworkers Union and finally became a full-time union organiser. It is largely as a result of the actions of the union movement that John loved that James Hardie Industries will be brought to account to pay compensation to so may victims. A lifetime of working in and around work sites that today would be protected against dangerous fibres resulted in John Walliss contracting asbestosis.

John Walliss was a wonderful supporter of the Labor Party and he was a long-time member of the Padstow branch. With his wife, Jan, John was also a great supporter of my predecessor, Pat Rogan, mayor Ray McCormack, Daryl Melham, MP, and me as a Bankstown councillor and now member for East Hills. John Walliss believed in the dignity of workers and fought to improve their rights and conditions at all times. His dedication to both the union movement and the Labor Party undoubtedly took a toll on John's health; but it was not in his nature to slow down and he continued to support the workers' struggle as long as he could.

It is sad that at this time when the Howard Government is going to rip apart Australia's industrial relations system that is based on fairness and co-operation, that John Walliss is not with us to fight these draconian attempts to crush the working conditions and the spirit and esteem of ordinary workers. John Howard believes in a world of master and servant; John Walliss believed in a world of shared prosperity, based on the dignity of workers. John Howard believes in a dream world where underpaid workers own shares; John Walliss believed in the union, a Labor movement based on the principle of sharing.

I offer my sincere condolences to John's wife, Jan, his son, Stephen, his daughters Jane and Joanne, his sons-in-law Kevin and Steven, his daughter-in-law, Janine, and the other great loves of John's life, his

grandchildren Ashleigh, James, Daniel, Jessie and Sam. There were three other loves of his life as well that may not fit into the same category: the South Sydney Rugby League Club, the Sydney Swans and horse racing. I know John was so proud when Joanne began working with me as an electorate officer and I think that was, in a sense, the genetic input of Jan and John in Joanne. Jane has also worked in my office and Jan spent many years doing the hard yards working in schools and then worked for Daryl Melham for quite some time.

While everyone was saddened by John's death—it was not sudden; it was a sad, slow and tragic death—I know that John had no airs and graces and would consider much of my speech tonight unnecessary. But it is others who eventually judge people, and John Walliss' life deserves recognition in this House. I am glad I am able to say these words. I pay tribute to John's wife, Jan, and his daughters Jane and Jo, who are in the gallery tonight. I am not a particularly religious person but if there is a heaven upstairs John Walliss will be welcomed with open arms by the other residents and will probably be already organising a delegation to the boss upstairs to see if there are any problems that need fixing or anything that needs to be organised to improve conditions.

TUMUT AND BATLOW HOSPITALS

Ms KATRINA HODGKINSON (Burrinjuck) [5.53 p.m.]: In this House on 22 September, in response to failing hospital infrastructure in the electorate of Burrinjuck, I asked the Premier why he was not properly funding public health in southern New South Wales. In reply the Premier boasted:

> That is the Government's commitment: more money for our hospitals

Today I would like to ask the Premier: Where is this money for our hospitals? On 21 November the Director of Clinical Services for the Greater Southern Area Health Service, Dr Joe McGirr, was quoted in a local paper as saying:

> We cannot meet the increasing demands on the health service when our budget is not growing at the same rate.

Finally, a member of the health service bureaucracy has put into words what I and the doctors, nurses and residents of the Burrinjuck electorate have been telling this Government for years. The New South Wales Labor Government is not providing a sufficient budget to meet the public health needs of the residents of southern New South Wales. Today I would like to cite another example of the gross underfunding of public health by this Sydney-centric Labor Government: the state of the Tumut and Batlow hospitals. I have lost count of the number of times I have referred to the need for both these facilities to be replaced. Both the Tumut and Batlow hospital buildings are unsafe, inefficient and in need of immediate replacement.

At the moment there is only one factor that is keeping the residents of Tumut and the Adelong Batlow area supplied with halfway decent health care: the dedication and commitment of the local medical and administrative staff, who are forced to work in substandard buildings. I have been informed that the condition of the Tumut Hospital was described as poor and in need of replacement in a 1995 Department of Health report. The hospital is now described by the Tumut Health Services Plan as being in very poor condition and affecting the safety and efficiency of health services.

The list is terrible: asbestos in buildings, holes in walls, water running down walls when it rains, lack of office space, varying floor levels causing tripping hazards, overcrowding in wards, poor resuscitation facilities in accident and emergency wards, unsanitary toilet and shower facilities, a lack of privacy, particularly in maternity wards, restricted access to ultrasound facilities—and the list goes on. One wonders if the hospital will actually have to fall down before any action eventuates from the New South Wales Labor Government.

If it is possible, the Batlow Hospital is in worse condition. The disused building that used to be the Henty Hospital is in better condition than the operating Batlow Hospital building. It is essential, however, to retain the services provided at these hospitals, as both Tumut and Batlow are isolated communities and require a full range of modern health facilities. The Adelong Batlow multipurpose services [MPS] centre has been in the planning stage since before I was elected to this place. In my inaugural speech almost six years ago I said:

> Another pressing issue in the south of the electorate is a multipurpose service for Batlow. We are all concerned that Batlow is not high on the priority list for an MPS and it is of great importance that an MPS for Batlow is approved in the near future.

What has happened since then? The Adelong Batlow MPS was supposed to be completed by 2003; then by 2006-07. Most recently, in response to my continued questioning, the Minister for Health said that the Adelong

Batlow MPS will now be completed in 2007-08. On 21 May 2004 Mr S. Butt, the Acting Manager of the Capital Works of the Greater Murray Area Health Service, informed the Tumut Hospital planning meeting that the Adelong Batlow MPS was being prioritised behind that of Junee. When I raised this with the Minister for Health he denied that this was said to the residents of Tumut. This is just one of many examples of the misinformation and deceit that are characterising this Government's approach to providing a decent standard of public health.

On 4 November the *Tumut and Adelong Times* carried an article in which an area health service spokesperson was quoted as saying there has never been a commitment to fund the Tumut Hospital redevelopment by 2007. I have personally spoken to the former Minister for Health, now the Premier, who looked me straight in the eye and said that the Tumut Hospital and the Adelong Batlow MPS would be given a high priority. The same occurred with the Chief Executive Officer of the Greater Southern Area Health Service, Mr Schneider, just after he had been appointed. What a load of lies that has turned out to be.

The bottom line is that the New South Wales Labor Government has for the past 11 years failed to properly plan and fund public health facilities in southern New South Wales. The residents of Tumut do not believe what this Government or its health agencies say any more, they have been told too many lies. On Friday 28 October, just one single day, locals collected 1,000 signatures—15 per cent of the population of Tumut—calling for the immediate building of a new hospital in Tumut. The Premier must honour his promises to the people of Tumut, Adelong and Batlow. We need new hospitals in this part of Burrinjuck electorate, we need them urgently and the funding must be provided now.

ENFIELD INTERMODAL TERMINAL

Ms VIRGINIA JUDGE (Strathfield) [5.58 p.m.]: I wish to bring to the attention of the House the current proposal by Sydney Ports Corporation to establish an intermodal logistics centre at the former marshalling yards site at Enfield. I understand the importance of having a sustainable process for the distribution of freight in response to a growth in trade and freight in Sydney. The aim is to use rail for 40 per cent of containers in order to get trucks off our streets. However, I have grave concerns about the Sydney Ports Corporation's proposed intermodal logistics centre at Enfield. This proposal is not in my electorate of Strathfield but in the electorate of Bankstown, but I strongly believe there will be tremendous potential spill-over effects on my neighbouring electorate. My first priority is listening to the concerns of my local residents, addressing community issues, and taking appropriate action to deliver the best possible outcomes for my constituents. That is my duty.

To put it firmly on the public record, I have a long track record, excuse the pun, going back at least 12 years—to 1994, in fact—of fighting various proposals on the Enfield site that I felt were not in the best interests of local residents. When I was a councillor on Strathfield Municipal Council for 11 years and during my four terms as Mayor of Strathfield, with the help of local residents I was successful in having the last Enfield proposal halted by calling on the then Minister. As a result an independent review, under the chairmanship of the Hon. Milton Morris, AO, was established. We organised to support this review and a public consultation report was printed in November 2002. The submissions received included 198 form letters and I submitted a petition with 121 signatories.

In short, we had a big win. The locals now fondly call it the Milton Morris report. In the executive summary of the report, two themes emerged. Firstly, an increase in the use of rail to distribute container freight was universally supported. Consequently, the need for additional intermodal terminal infrastructure was acknowledged across all interest groups. However, there was a lack of clear agreement of a suitable location for the required facilities. Secondly, local residents, local businesses and the local council opposed the Enfield proposal on the basis of traffic generation and associated noise, pollution and safety issues. I fully supported the residents' concerns, and I still do. In March 2005 a project newsletter was prepared by Sydney Ports Corporation for their current proposal. I began to discuss this project with residents and call for their issues.

As a result, I presented a submission to the Freight Infrastructure Advisory Board on behalf of my neighbouring electorate of Strathfield in June 2005. I was dismayed and alarmed when I was advised that the current Strathfield council did not even bother to make a submission to the board on behalf of our community. This was directly contrary to the resolution of council at its meeting held on 19 June 2004 in which it resolved to make submissions to any current and future inquiries on port and freight rail expansion in the Sydney Basin. It would appear that by neglecting to make a submission council has thus broken its own resolution.

Many other organisations and individuals made submissions—but Strathfield Council made none. Indeed, Strathfield council allocated budget amounts of ratepayers' money to fund a campaign, yet it could not even put pen to paper. One can only believe this current council would appear to have a rather cavalier approach to using ratepayers' hard-earned money. Indeed, one could say the proof is in the pudding, because this same council has also been running an expensive pretend campaign about a non-existent amalgamation threat.

Strathfield council has been scaremongering residents with the slogan "Save our Strathfield". It is pretending that Auburn and Strathfield councils are on the verge of amalgamating. To alleviate the concerns and anxieties of locals, I invited the Minister for Local Government, the Hon. Kerry Hickey, to visit my electorate last week in order to put an end once and for all to this bogus campaign. The Minister, quite frankly, was amazed and disappointed by what he saw, and he issued a press release stating, "I agreed to visit the Strathfield electorate to stop this irresponsible and damaging speculation once and for all."

On Sunday I attended a rally in pouring rain to support the locals against the Enfield logistics centre development and saw this as a good opportunity to launch my petition against the proposed Intermodal Logistics Centre at Enfield. I should explain that I have found it necessary to launch my own petition, as I have been unable, after many attempts, to obtain the "No Port Enfield Petition" from Strathfield council and its mayor. Strathfield council still has not given me its petition, saying that it was "incomplete". I suspect they wish to wait until a decision is made before supplying me with its petition. Nevertheless, on behalf of the residents, I strongly lobbied Professor David Richmond, who is undertaking the present inquiry into the Enfield proposal. I spoke to Professor Richmond yesterday and hence I will be presenting the first submission to Professor Richmond from the Strathfield electorate, as Professor Richmond has not heard from Strathfield council or any other person or organisation so far. I need ammunition to fight for the locals and, sadly, Strathfield council has refused to provide it to me.

It would seem that council is playing cheap political tricks at the expense of residents—action is needed, not needless finger pointing. I must say that the near drowning that the residents and I suffered at the rally on Sunday was well worth it for me to learn firsthand their concerns. The weather—rain, hail or shine—will not stop me from fighting and standing up for my residents! In conclusion, I will continue to fight the current proposal by Sydney Ports Corporation for an Intermodal Logistics Centre at Enfield and wear my "No Enfield Ports" T-shirt with pride.

KU-RING-GAI ELECTORATE TRAFFIC MANAGEMENT

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [6.03 p.m.]: Again I want to raise transport issues affecting Ku-ring-gai. At the outset I want to acknowledge the research assistance of a work experience student from Barker College, Rebecca Kerr, who is with me this week. Ku-ring-gai's suburbs are increasingly choked by traffic. Over the past 10 years there has been a relentless increase in traffic using the Pacific Highway that dissects my electorate on a north-south axis. Statistics from the Roads and Traffic Authority's [RTA] most recent traffic volume data report highlight the increase.

Between 1999 and 2002 the volume of daily traffic using the highway measured at Rohini Street, Turramurra, increased from 65,000 to 81,600—up 25 per cent. Measured at Grosvenor Road, Lindfield, it increased over the three years from 31,200 to 56,700—a massive 80 per cent increase. Once it was possible to drive the highway with minimal delays at various times of the day; but now the volume of cars and trucks remains high seven days a week. On an east-west axis, my electorate is split by Mona Vale and Ryde roads, which experience similar problems. Anyone who travels on these roads during either the morning or afternoon peak periods understands that they are at capacity, that is, full.

My principal concern is the failure of the State Government, the RTA or its planning department to have any short, medium or long-term plans to remedy this situation. Despite repeated requests to successive roads Ministers I have been unable to discover any plans or, of more concern, any acknowledgment of the problem or willingness to start the work. As a result, traffic congestion grows, with its resultant pollution, travel times increase, and local residents trying to get out of or into their suburbs suffer as priority is given to those travelling through the area.

Along the highway are many streets that either require signalised turning arrows or the installation of signals to ensure safe access by residents. But the RTA refuses to budge and the lack of co-ordination between State agencies is appalling. A section of Roseville accessed by Maclaurin Parade has been earmarked for intensive medium density development. Despite existing safety concerns at this Pacific Highway intersection

and the RTA's refusal to install a signalised turn arrow, there are no plans to do so, even when the area's population increases in line with government policy. Whether at the Maclaurin Parade intersection or elsewhere, I am convinced the RTA will only act after a serious accident and possible death. That is not how it should be.

I acknowledge efforts underway to link the M2 and F3 freeways. Given the imminent opening of the M7 that will funnel traffic exiting Sydney onto Pennant Hills Road, such a link is vital. But I restate my view that the Western Sydney Orbital only does half a job. It is an orbital link from Liverpool to Blacktown only. A quadrant is missing. There should be a route, at the very least identified across the north-west sector, to link the end of the M7 and M2 at Blacktown with the F3 north of the Hawkesbury River. Given the population expansion planned in the sector, route identification and a construction timetable is essential.

But I make another point: the key to solving Sydney's—and Ku-ring-gai's—traffic woes requires revitalisation and upgrading of public transport. Too many of those driving the F3 could and should be on trains. I meet Central Coast commuters at local Ku-ring-gai stations where they park and then use the trains to access the city. When asked why, they speak of concerns about the unreliability and over-crowding of Central Coast trains. Upgrade the Sydney to Newcastle rail line, improve and effectively market rail services and it should be possible to get people off the F3 and our suburban streets. But improved services does not mean the recent timetable change, which has seen the number of services and the size of trains reduced. Frequency and capacity are critical to boosting rail use by Central Coast commuters.

Closer to home, other work is needed. Parking must be improved. While not all stations have suitable areas, there are locations where expanded commuter parking could be developed. But at sites like Turramurra or Gordon opportunities do exist to expand parking. But to be successful in boosting local rail use, they should involve a priority system for Ku-ring-gai residents. To do otherwise will simply draw existing users from other areas. Better access is also vital as many stations present difficulties for the aged, disabled and people with young children trying to use trains. Stations like Pymble, Lindfield and Turramurra look and act like the obstacle courses they are for too many potential rail users. They represent the same challenge as would a huge one-metre step outside a corner store and they send the same message: "We are not interested in your patronage".

I remain amazed at the absence of a clear and transparent roll-out of the Easy Access upgrades across CityRail's stations across Sydney, including those in Ku-ring-gai. On the North Shore line we currently are without lift access at stations between Hornsby and St Leonards. The Gordon station lifts are due to open; commuters know they have been finished for a few weeks and the delay has been caused by a power supply issue. We also know that when Chatswood station is revamped lifts and improved access will be included, but there are no plans to address the access problems at stations in between.

Two successive transport Ministers have repudiated Carl Scully's September 2002 promise of improved access at Turramurra station. My plea is for the State Government to get on and do the job it is meant to do: the planning and delivery of services, in this case, in particular, roads and public transport. Ku-ring-gai's traffic and transport problems can be resolved but only by a government prepared to undertake long-term planning and one which understands the importance of public transport to an ever-expanding population locally and across this city.

Ku-ring-gai commuters use trains to get to work twice as often as the city-wide average. They are strong supporters of the rail system but, regrettably, like with other transport systems across the city in recent times, patronage locally has fallen, as it has fallen across the CityRail network. We need a revitalisation of our rail transport. We need better co-ordination of buses, particularly in my area. Despite the efforts of the private bus sector, we need greater feeder buses into railway stations to ensure that every opportunity is made to get people out of their cars and onto the public transport system. That is the only way in the long term that we will resolve either Ku-ring-gai's growing traffic and congestion problems or those across the entire Sydney region.

TRIBUTE TO MR GEOFF PASTERFIELD

Mr JOHN MILLS (Wallsend) [6.08 p.m.]: I bring to the attention of the House the sad passing of Geoff Pasterfield last Thursday. Geoff was known to many members of this Parliament as the Mayor of Lake Macquarie from 1977 to 1987. He had a distinguished career in local government, serving the people of the largest local government area in the Hunter. He was a leader and activist in the Australian Labor Party at the local level, across the city and the Hunter, in the councils of the New South Wales branch, and on policy committees, State council and conference. For example, for a long time he was President of the Hunter Federal

Electorate Council and Charlton Federal Electorate Council. He served members Bert James and Bob Brown. He was a long-serving Secretary-Treasurer of the Wallsend State Electorate Council and served Ken Booth, MLA, along with his mate, Mick Cooey.

Geoff was also a good friend and valued political comrade of mine. On behalf of my wife, Trudy, and ALP members in the Wallsend electorate I express our sincere sympathy to Geoff's wife, Wilma, to their sons, Ron and Greg, and daughters, Sharon and Annette, the grandchildren and all their extended family. The family will miss Geoff greatly but we in the wider community will also miss this gentle, decent, kindly and generous man.

Geoff was born in Inverell in 1933 and always remained a country lad at heart. He was one of six kids. He left school when he was 14. His first job, with other family members, was as a drover in the Yetman, Moree and Texas areas of the north-west. In the early 1950s he moved to Newcastle to work at BHP, especially at No. 2 Bar Mill. He went dancing at the Palais, and met and married Wilma in 1955. They were 50 years married last month, a testament to the strength of their love. Geoff was a good-looking man, handsome all through his life, with brown hair and clear bright blue eyes. And he had a charming and friendly manner to go with it—a natural for politics and for winning support.

Geoff went along to his local Glendale Progress Association, where he soon became an office bearer. He then joined the Cardiff branch of the Australian Labor Party. After the death of Councillor Harry Taylor, Geoff was elected as a councillor of Lake Macquarie Shire Council at a by-election in May 1972. Subsequently, Geoff served as mayor from 1977 to 1987 with a Labor majority on Council. Along with 300 other people, I attended Geoff's funeral in Newcastle this morning. Former councillor Alan Shields spoke of his memory of Geoff as a workaholic, thriving on little sleep in between shift work, council meetings and inspections, and trips to Sydney on local government business. He described the many stoushes that Geoff had as a strong trade unionist, both with BHP management and the right-wing leadership in Newcastle of the Ironworkers Union.

Geoff was quietly spoken. He enjoyed company, loved helping people, and could talk and talk. He loved food, especially Chinese. He never held a grudge. There are not many of them around these days but Geoff was one of those who picked up strays; he saw good in everyone. Al Erzetic, the shift manager at BHP who worked with Geoff for many years, saw Geoff as a man of principles and the people, of team work and believing in the team sorting out its own problems. He knew that Geoff, as mayor, spent a lot of time with ordinary people—his Labor family. Former Federal Minister and MP Bob Brown spoke of Geoff's leadership and loyalty. I spoke and described Geoff as a true servant of the people. I described also what I saw as his two great achievements in local government which were a memorial to that service.

First, Geoff was the first person to arrange for funding and achieving the beautification and improvement of the foreshore of beautiful Lake Macquarie for the use of the people. Secondly, he took the lead in modernising the structure of the local government area, from a shire when he was first elected, through the municipality phase, and then to a city in the mid 1980s, and he was proud of it. I spent a lot of time at the Pasterfield house in Graham Street in the 1970s. We debated, organised, plotted, and drank tea and coffee. In the garage Geoff had a Gestetner, with all its trials, the main means of political communication at a grass roots level in those years. We printed pamphlets, how-to-votes and motions for conferences, and cursed the occasional inky mess. A lot of good ideas came out of that garage, and the Labor left continued to win support in the Hunter.

Amongst the people at Geoff's funeral today were former State members Arthur Wade, Richard Face, Don Bowman and Merv Hunter; the equally long-serving former mayor, John Kilpatrick, and his wife, Ellen; the current mayor, Greg Piper; Tony Farrell, the Acting General Manager of the council; former Federal Ministers Peter Morris and Bob Brown; many former councillors; many serving councillors, in particular John Jenkins; and Geoff's good friend, John Rankin, who was the town clerk and then general manager. As the service came to an end and people were filing out Geoff's old mate and mine, Roy Howard from Cardiff south, called out, "He was a fearless fighter for the working class." A great tribute! Farewell, Geoff Pasterfield, a servant of the people.

MR PAUL PERRETT ALTERNATIVE MEDICAL PRACTICES

Mr MATTHEW MORRIS (Charlestown) [6.13 p.m.]: It is disturbing to bring to the attention of honourable members the actions of Mr Paul Perrett of Ashtonfield. Mr Perrett has been convicted of robbery and fraud in the past, yet today he claims to treat patients as an alternative medicine therapist. Indeed, Mr Perrett is quite a talented man, claiming to hold several qualifications including Bachelor of Surgery, Bachelor of Science, Master of Music, and Doctorate of Philosophy. He has also been known to claim that he is a biochemist

and forensic pathologist. These qualifications are understood to be false. How dare Mr Perrett make such claims to mislead the public to support his medical business know as the Rutherford Clinic! Mr Perrett offers consumers treatment for a variety of cancers and claims not to cure cancer, but happily tells patients that he can rid their body of bad cells.

How is a patient to interpret this statement? Of course, people would be led to believe that their cancer will be eliminated. Mr Perrett is a con man in the strongest form and has ripped off hundreds of cancer sufferers, charging some of them up to $3,800 for an array of medications. Mr Perrett's medications have been shown through analysis to contain no active ingredients; rather, they are mute substances that offer nothing to treat forms of cancer. Mr Perrett has demonstrated time and time again his willingness to mislead patients and supply so-called medications that do nothing to assist those suffering. Further, Mr Perrett's product labelling lacks the details of ingredients; in fact the products supplied to patients are not known to be registered in this nation. Mr Perrett has been starring in media reports over many months. One of the most recent, *60 minutes*, extensively featured Mr Perrett and his treatments.

Of course, Mr Perrett refused to comment or respond in any way to the patients who have put on the public record their case involving his so-called miracle treatment. Mr Perrett appears not to be fazed by all of the attention and continues to treat patients via mail order, with over-the-phone consultations. Mr Perrett is listed with the Australian Traditional Medicine Society [ATMS] with his qualification listed as a naturopath. The ATMS has a lot to answer for; even with complaints being made directly to the ATMS, it will not deregister Mr Perrett, on the basis that he may sue. That is disappointing for an organisation that likes to think of itself as a professional body. Mr Perrett, member No. 3003, has clearly breached more than 12 sections of the ATMS code of practice. He has also effectively breached all sections of the code of ethics under the ATMS, yet it does nothing.

At the very least the ATMS should suspend Mr Perrett's registration pending a full inquiry. While it does nothing, it is as bad as Mr Perrett. Families who have lost loved ones while under the treatment of Mr Perrett are very bitter and rightly so, given Mr Perrett's actions and fraudulent behaviour. The people of the Hunter Region and New South Wales should be aware of Mr Perrett and his shonky business. Many in our community have been victims of Perrett and have progressively come forward with their individual cases. Mr Perrett wrote to me on 24 November with the following:

> During the 13 years of my practice there have been no complaints (other than Mrs Freeman) in regard to my integrity as an alternative practitioner.

Even with the extensive media surrounding Mr Perrett's practice and methods, not one individual has come forward to defend him or his treatments. Many current patients and families of deceased victims are now on the public record, having complained about Mr Perrett. Mr Perrett has also responded to a widow who complained about his treatment and sought a refund, given that his products have been shown not to have any active ingredients, by asking her to return the remainder of the medication. Mr Perrett said that her husband took decisions not to follow the course of treatment which he prescribed. Is Mr Perrett saying that this man's death was due to not following his treatment with his shonky products? Mr Perrett also claimed that his treatment is unique and other practitioners do not understand his methods. Neither do I!

If the actions of Mr Perrett were not so serious one would have to laugh at this con man. The Australian Traditional Medicine Society must act to deregister Mr Perrett immediately. It also needs to establish procedures and measures to guarantee to the public that those listed are legitimate practitioners and suitably qualified in their field. I also call on the New South Wales Health Care Complaints Commission to fully investigate Mr Perrett's actions and treatment. Today I have gone to the trouble of bringing along two of the shonky products, both of which have been demonstrated through analysis to have no active ingredients and to be of essentially no benefit to anyone suffering any form of cancer. Finally, I ask that the Minister for Health refer to my contribution today and take the appropriate steps to curtail Mr Perrett's disgraceful business and that of others like him.

PUBLIC HOUSING WATER METERING

Mr PETER DRAPER (Tamworth) [6.18 p.m.]: Tonight I highlight the concerns of the Department of Housing tenants in the Tamworth electorate regarding an alarming rise in residential water costs. Following what the department has called the most comprehensive reform of public housing in 50 years, all tenants, including those with separate water meters on their properties, will be forced to pay a 4.1 per cent levy on their net rent for water usage starting on 5 December. Tenants residing in Department of Housing properties in

Tamworth are typically on lower incomes than other residents, with many living on aged or disability pensions. These people are less equipped to deal with any cost increase in vital services, such as accommodation and water rates, but it appears that this has been disregarded in the changes.

One such Tamworth resident affected by theses changes, Mr Ivan Grills, recently alerted me to the situation facing him and his fellow Department of Housing tenants. Mr Grills and his wife survive on an age pension of $393.60 per week, and pay rent of almost $100 per week for their Tamworth home. Mr Grills is very concerned about the new water charges, and following a recent meeting with the Department of Housing on the issue his concerns were not alleviated. Mr Grills was first made aware of these changes in a letter from the department issued on 25 October this year. The letter stated that the New South Wales Government had recently amended the Residential Tenancies Act 1987 so the department could charge tenants for water usage even though this may not be stated in their current tenancy agreement.

Mr Grills was told he would be facing a charge of $4.05 per week for water usage, based on the 4.1 per cent taken from his weekly net rental figure. This charge would come into effect from 5 December this year, and would continue until at least mid 2006, when the department would, according to the water fact sheet, "adjust the water account of those tenants (with water meters) to reflect their actual water usage". So all tenants, regardless of their actual usage, would be forced to pay the same percentage of their income for water until this time, with the maximum weekly bill capped at $7. Mr Grills informed me he believes that there is no guarantee the new system would be "reassessed" in mid 2006. He was told that existing water meters at department properties could not be separately assessed because "there were 23 different water authorities in New South Wales and their accounts did not all arrive at the same time".

As Mr Grills' rent is tied to his income, whenever incomes rise so does the rent, and now with water charges also tied to rent, when income increases the costs rise more than usual. This is a significant issue, as incomes are increased to offset a variety of rising living costs, yet when these increases are swallowed up completely by water and rent, the residents find it harder to meet other costs. Mr Grills found himself in this situation when he received a $10 increase to his pension, which was immediately swallowed up by a $10 rise in rent. Because of ongoing drought in country communities, many tenants already conserve water through a number of water saving strategies around the home. Grey water is diverted to gardens, and water saving devices have been installed on taps and showerheads. These strategies are employed while tenants adhere to strict water restrictions, as are currently active in the Tamworth electorate.

I, like Mr Grills, believe these new charges are unfair and inconsistent, as residents who actively restrict their water use are charged for water they do not use. He pointed out to me how the average person would feel if he was charged an arbitrary amount for electricity when he did not use that amount. Why should residents have to pay for water they do not use, particularly in homes where the department can measure the water usage? Such illogic can best be demonstrated with the following figures. Comparing water charges in Sydney and Tamworth, if Mr Grills was charged at Sydney rates he would have to pay $2.50 per week compared to $1.66 at current Tamworth rates. He rightfully is concerned about how the department will estimate usage to levy the new charges. He is prepared to pay for water he has used, if he is charged at the normal Tamworth rates.

He is also concerned the department could begin charging Sydney rates following the "re-assessment" in mid 2006. I believe this water rate issue should be examined urgently, as it unfairly targets the less fortunate in my electorate and in other electorates across the State. The State Government should address this issue and live up to its promise of providing a fair and consistent approach to the way income and rent is assessed for Department of Housing tenants.

MR SIMON BLYTH ELECTRONIC INVENTIONS

Mr RICHARD TORBAY (Northern Tablelands) [6.23 p.m.]: It is often noted that Australians are very good at invention but lack the backing of national commerce and industry to capitalise on it. Recently, I held a meeting in my parliamentary office with just such a young inventor and entrepreneur, Simon Blyth, whose family live at Inverell in my electorate, and who is seeking financial backing for a remarkable invention. Simon, at the age of 23, has won many awards for technology and innovation and with his research partner, Kelly Poole, has just won the State university finals for a new electronic system which could revolutionise our classrooms. They have adapted new Zig Bee technology to produce a system that can give teachers an instant response on their students' comprehension levels during class time. The device which Simon showed me during our talk solves this problem by enabling real-time, anonymous student feedback.

Through this system tutors can assess students' understanding and adapt their teaching style accordingly during lectures and classes. The Dynamic Feedback System [DFS] works through the use of handsets, one per student, and a control panel or base station operated by the teacher or lecturer. The base station gathers all the data from the student devices, processes it and then displays the understanding level of the class to the lecturer. If the class understanding level drops, the lecturer can immediately respond. The DFS can also be used to hold class tests and automatically track student attendance. Students can get their results instantly, and the teachers have no marking, allowing them to focus on more important teaching issues. More importantly, because of the low overheads, teachers can hold regular tests, even a short test before each class in order to ensure students read the material beforehand.

The attendance tracking feature of the DFS is also relevant to the Federal PRISMS policy which requires educational institutions to track overseas student attendance. Because of large lecture sizes, this often does not occur because it is impractical. Universities require an innovative automated approach; otherwise too much lecture time is spent simply marking the roll. We hear all the time about initiatives that will increase literacy and numeracy in our schools. A major concern is the number of students who fall behind without teachers being aware of it or through sheer pressure of class sizes being unable to give the individual attention that is needed at the time it is needed. I can see great potential for the new device and I urge the Minister for Education and Training and members of her department to look at this invention and give their support to it so it receives full financial backing from the commercial sector for its development.

Simon Blyth has an outstanding record of achievement. He was joint dux and captain of Inverell High School and received the Premier's Award for Excellence and the Minister's award for achieving 100 per cent in electronics technology for the Higher School Certificate. While he was at school he played in the Rugby Union First XV and took the lead role in several school musicals. He is a born inventor and started work in a TV and video repair shop in Inverell at the age of 12. During his school holidays he took on work experience in engineering companies to gain more experience. He is a member of the Young Business Forum, Enterprise Network for Young Australians, BizNet Club, the Institute of Electronics and Electrical Engineers and the Institute of Engineers Australia.

He applied for his first patent at the age of 17 and to date three of his inventions have received national recognition. He is a co-founder and director of Navitas Technologies, a company based around one of his inventions, Virtual Buttonz, and located at the Australian Technology Park. He also won the Nescafe Big-Break competition with his invention to combat driver fatigue. He won the National Shell Science Award and BHP Science Award for his invention VIPER, an ultrasonic guidance system for the visually impaired. He has a further long list of achievements and inventions. Time does not permit me to list them all. Simon won a faculty scholarship to the University of New South Wales to study electrical engineering and physics. He has just graduated and the Dynamic Feedback System I have already mentioned was the subject of his thesis. It has now entered the national university finals, which will be judged in April next year. I congratulate Simon and Kelly and all young inventors for the wonderful contribution they are making.

Private members' statements noted.

WORKERS COMPENSATION LEGISLATION AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Message received from the Legislative Council returning the bill without amendment.

[*Mr Acting-Speaker (Mr John Mills) left the chair at 6.28 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Matter of Public Importance

Matter of public importance of Mr David Campbell called on and lapsed.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2003-04

Debate resumed from 29 October 2003.

Motion agreed to.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2004-05

Debate resumed from 8 December 2004.

Motion agreed to.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2005-06

Debate resumed from 19 October 2005.

Mr ALAN ASHTON (East Hills) [7.33 p.m.]: The last time I spoke on the budget—my speech was interrupted—the gallery was full. A crowd was here, the kids were here, and it was fantastic. Now, about six weeks later, I am completing my speech. I pointed out previously that the budget was another record Labor Government budget. In almost all areas there was a great increase in expenditure—in health, including mental health, schools, education, transport and police. The increases were in the area of 8 per cent to 10 per cent, way beyond the inflation figures, so they were real increases—across the State, from the North Coast to the south, from the waters of Coogee to Tibooburra and Broken Hill in the electorate of my colleague the honourable member for Murray-Darling. Even Mount Druitt did exceptionally well in the budget.

I will conclude my speech with brief references to expenditure in my electorate, which recently received $78 million for the Revesby turnback project, which will greatly improve reliability and services on the East Hills line. The turnback will allow trains to terminate at Revesby and return to the city without having to across the tracks ahead of express services from Campbelltown. This will improve the on-time running of services. The Revesby turnback includes a new track, turnback and crossover; a new island platform; easy access facilities including three lifts and a new covered pedestrian footbridge; and a new bridge at The River Road to accommodate the new track. Construction on the turnback project is scheduled to commence in 2006.

Community consultation has already begun. Several meetings have been held at the local community hall. Information leaflets have been dropped around and we have had information through my office. The turnback is part of the Government's $1 billion Rail Clearways Program. As most members are aware, the Sydney rail network is like spaghetti tipped out of a bowl. We are trying to untangle it and create dedicated lines. A billion dollars will be spent on that. A tender will be chosen for the turnback project on 20 December.

Good things have been happening in schools through the funding provided by the Government in the budget. One is the partnership for better local schools. That is under the joint funding program of the Department of Education and Training. The school community chooses its own project and the parents and citizens association raises funds through fetes, raffles and other fundraising activities for the building work. The Government matches dollar for dollar what the schools can raise. In some areas schools can raise more than in others. In my area, Condell Park High School received $81,000 for a covered outdoor living area. East Hills Schools Technology High School received $29,000 to extend the darkroom, $17,298 for a multimedia room and $1,044 for modifications to the mezzanine level of the library.

Picnic Point High School, my old school, received $34,402 for fencing and resurfacing of the games courts. In the last few months since the budget was announced the money has come through. The Bankstown-Lidcombe hospital oncology unit was upgraded and refurbished. Donations were made by the local clubs as well. I refer to Mr Michael Carroll, a gentleman who donated $1,000 to the unit. He decided that instead of taking all the presents for his fiftieth birthday party he would collect money from the guests. He collected $2,000, giving $1,000 to Westmead Hospital and $1,000 to the oncology unit. The letter he wrote to me came via Tony Stewart, the honourable member for Bankstown.

We could say that the budget is in reasonable shape—it is probably better than that—but without being overly political there is no doubt that the goods and services tax break-up of funding to New South Wales is not fair. We pay $13 billion and get $10 billion back. When the Federal Treasurer says that the States are awash with money he is not wrong. But what he does not say is that the money is not provided fairly. An assumption underlying the allocation of GST revenue was an increase of only 6 per cent after 2003-04. I hope that in the next year there will be a better recognition of the money that the Government of New South Wales should receive, because the Government of New South Wales are the people of New South Wales.

Mr THOMAS GEORGE (Lismore) [7.39 p.m.]: In speaking on the budget for 2005-06 I note that it is fairly late in the year. However, I might be able to pre-empt some Ministers about what might happen next year by placing a few things on record. I acknowledge at the outset that my electorate did receive some money in the budget but, as everyone else would say, it is never enough. There was $1.6 million for the Lismore police station out of a total of $13.2 million and $10.4 million for the Richmond clinic, the mental health unit, including $2 million for the child and adolescent part. That expenditure will be much appreciated in the area. Funding of $3 million was allocated for a new electricity substation in Lismore, $91,000 to complete the refurbishment of Lismore TAFE's Learner Support Centre, $250,000 for Lismore and District Women's Health Centre and $584,000 for Department of Housing crisis accommodation. I appreciate receiving that funding for projects in my electorate and some funding for road works, but I want to touch on a number of items that still need attention.

In the Health portfolio, work on stage one of the redevelopment of the Richmond Clinic, which will include the child and adolescent mental health unit, will commence in January 2006. Stage two, the development of an integrated cancer centre, will commence following the development of stage one. In my electorate there are a number of problems associated with the Health portfolio and I have accompanied a number of delegations to the Minister. Today the Premier told the House that I am well aware of what is happening in relation to health in Lismore. Naturally, I am aware of that, but I want to place on record the fact that the Northern Rivers is the most underfunded area in New South Wales; it is 6 per cent or approximately $20 million dollars under its equitable funding share.

Extra funding is urgently required for the North Coast Area Health Service [NCAHS], and I have raised that issue with the Minister in the course of a community delegation. I have also stressed to the Minister the importance of the construction of a cardiac catheter laboratory at the Lismore Base Hospital. That is urgently needed and my understanding is that it will form part of stage three of the development. Stage three is important to the community, and I sought a commitment from the Premier today in relation to it. He fully understands the importance of funding for stage three, which is the new procedure centre at the Lismore Base Hospital. It will be difficult to cope in the future with the pressures of increasing demand in the area, and we need a funding commitment to cover that.

I recently placed on record in this House the fact that the current NCAHS rehabilitation unit at St Vincent's Hospital in Lismore is run down and a new unit is needed. I have made representations in that regard to former Minister Craig Knowles, Premier Iemma and the current Minister for Health, John Hatzistergos. The rehabilitation unit is run by St Vincent's Hospital for the North Coast Area Health Service, formerly the Northern Rivers Area Health Service. I very much doubt that there has ever been a complaint from anyone about that service. The workers at the rehabilitation unit are dedicated. If honourable members could see the facility they would wonder why there have not been more complaints. The service offered by the staff is excellent and they do a fantastic job.

I cannot comprehend the possibility of the rehabilitation unit being shifted from Lismore to Ballina. I will put it this way. If you draw a line in a 360-degree radius of Lismore you will find population everywhere. If you draw a line in a 360-degree radius of Ballina you will find that half the area is under water. I find it difficult to accept that the unit would be better located at Ballina. I assure the Premier and the Minister that I will continue to pursue a commitment to funding for stage three. Once again I place on record my concerns about dental health services. I am sure I am not the only member of this House to have problems with the provision of dental services, or lack of provision of dental services, in their areas. Today I referred in a private member's statement to the opening on Monday of the Kyogle Memorial Health Service. It is a credit to that town, the local community and the State and Federal Governments. The same thing happened at Nimbin earlier this year. We have certainly come a long way, but we have a lot further to go.

I turn my attention now to law and order and policing in my electorate. Yesterday I gave notice of a motion noting that the strength of the Richmond Local Area Command is down by 20 per cent. The critical shortage in the area includes 13 police officers on long-term sick leave or stress leave, 12 officers on restricted duties and 9 vacancies, a total of 34 police officers out of a probable 182. I congratulate all the police officers who are doing their work and who are also expected to cover the 20 percent shortage. That creates a stressful situation. I have spent many years seeking a new police station at Lismore. That need has now been acknowledged and we will get a new police station. The local community appreciates the fact that money has been spent on Casino and Kyogle stations. However, we have a lot of one-man and two-man stations in the electorate—at Bonalbo, Urbenville, Woodenbong and Tabulam. Distance is a major problem for the local community if there are no police on duty.

I am always being confronted by the Nimbin community about a lack of police officers in the town. Nimbin is a unique area. It is one of the prettiest parts of my electorate and a tourist attraction, but the lack of adequate policing creates concerns in the local community. I have made representations to various Ministers over the past four or five years, but to no avail at this stage. While I am talking about law and order, I extend my thanks to the rural crime investigator in the Richmond Local Area Command who is based at Casino. Rural crime is a major issue and having the rural crime investigator based at Casino has certainly reduced crime in that area. However, he is underresourced, which is probably typical across the State. Four-wheel drive vehicles and sometimes horse floats and horses are needed to get into some of the country that has to be covered. Many officers are borrowing that equipment when they need it.

Turning to education, work will be undertaken on various schools in my area, but a lot more remains to be done. I place on record my appreciation to the Federal Government, which provided more than $1 million for schools in my electorate through its Investing in Our Schools Program. I believe that is a one-off allocation. However, I know that the schools are very appreciative of that funding. Modanville Public School needs a toilet block. That has been an urgent part of that schools program for years now and it has not yet been provided. Wyrallah Road Public School needs a school hall or a multipurpose venue. West End school at Casino is in the same situation. Bonalbo school has been struggling without airconditioning.

Funding for community colleges has been cut. Adults are capable of learning at all stages of life. The individual learner is the centre of education process. I have received correspondence from John Shugg, the Executive Director of Community Colleges New South Wales, who has alerted me and other members of Parliament to the problems associated with funding cuts. They play an important role in the community and I ask the Government to reassess the situation and restore funding to community colleges. In rural and regional areas adult education is an important part of community life.

Concern has been expressed to me about cutbacks at TAFE colleges within the electorate. For example, three or four years ago in excess of 85 people attended the manufacturing and engineering course at Wollongbar and Lismore, paying a fee of $260. In 2004 only five people attended the courses because they had to pay the full fee-for-service cost of $4,000 a year. These specialist courses are available at our TAFE colleges but people in country areas who are out of work simply cannot afford the fees. I understand that two students paid $10,000 in fees to undertake a hairdressing course. People simply cannot afford that. Students who live in my electorate have to travel to Kingscliff to undertake fashion or electrical trades courses. The electrical trades teacher is being pressured to increase student numbers from 14 to 19 in the workshop classes that are designed to take 15 students. There are many problems associated with TAFE classes that have come about over the last four or five years. We have tried to bring the problems to the attention of the relevant Ministers over that period, but to no avail.

The Department of Community Services [DOCS] in Lismore is looking for additional staff to do the extra work the department is faced with. Today I asked the Minister for an update on the matter. Hopefully, in the New Year we may have some good news for the Lismore office. The DOCS staff in Lismore do a wonderful job, and I pay tribute to them. Another matter of concern is that the funding that is allocated to community-based preschools is simply inadequate given the fees charged and the increases in costs each year. I draw the matter to the attention of the House. I think all but one preschool in my electorate have raised with me the funding problems that preschools face. I also raised this matter with the Minister today, and she was extremely receptive. Hopefully, the matter will be addressed in the future. It is a major problem, especially given that preschools are now operating in some public schools. Two such preschools operate in my electorate, at South Lismore primary school and West End primary school, at Casino. I believe it costs the Government something like $250,000 a year to fund community-based preschools across the State. Yet a community preschool down the road, with probably the same number of students, receives funding of about $75,000.

Last week I visited The Channon Children's Centre and was presented with the results of the Children's Choice Campaign survey. The centre received 99 responses to the survey, which addressed a number of key areas, including the number of days on which children attend preschool. If community-based preschools rates were more affordable, parents would use them a lot more. I am aware that the Federal Government system of long day care creates problems for community-based preschools. The Government must ensure that the fees of community-based preschools are more affordable. Obviously, this will involve more funding for them. I call on the Government to increase the per capita investment in early childhood education to at least the level of other States and Territories. I pay tribute to Bianca Urbina, who presented me with the survey on behalf of the community-based preschools in the Lismore electorate.

I turn to cross-border issues that need to be addressed. The Government has finally adopted the Opposition's policy of abolishing the vendor tax. The reintroduction of the land tax threshold will come into effect on 1 January. The Government has no feeling whatsoever for the agony and trauma those taxes caused mum and dad investors. People have been caught by a one-off land tax bill, for one year. Next year those people will not pay land tax because of the reintroduction of the land tax threshold, a proposal the Opposition put forward all along. But this year those people will pay land tax because the Government introduced legislation on the run, creating a lot of heartache. During debate on the vendor duty bill I referred to a letter written to me by a solicitor saying the legislation was introduced on the run, without any nuts and bolts being worked out.

I turn to Crown land leases. The rent of the Casino branch of the Sporting Shooters Association of Australia, which is a not-for-profit organisation, increased from $500 to $5,000 plus GST in just one year. That has created a problem. I have made representations to the Minister and, hopefully, commonsense will prevail to get that issue sorted out. On many occasions in this House I have referred to the Northern Co-operative Meat Company with respect to workers compensation premium increases. However, such increases affect small businesses just as much as they affect large businesses such as the meat company. In 2006 a New South Wales company that employs 50 staff will pay a total workers compensation premium of $271,484. [*Extension of time agreed to.*]

By way of contrast, a Queensland company with the same number of employees will pay a total workers compensation premium of $149,000. The honourable member for Mount Druitt has often asked me whether I have evidence of the workers compensation premium differences, so I will give him a copy of the document setting out the figures. Such increases in workers compensation premiums are forcing our State's businesses to compete with their counterparts across the border—in the case of my electorate, only an hour across the border. That is simply unacceptable for a company that employs 50 people.

Payroll tax is still a problem. I challenge the Government to adopt the Coalition's payroll tax policy. The Premier says the Opposition does not have policies, but I urge him to have a look at our payroll tax policy and seek to introduce it. I congratulate the shadow Minister for Gaming and Racing, George Souris, on the release of the Opposition's clubs tax policy, which showed initiative and reflected that we are an Opposition that not only listens but responds to the needs of the club industry. I challenge the Government to do likewise, because many country communities are suffering because of the clubs tax. As I said, on many occasions in this place I have referred to the Northern Co-operative Meat Company.

Mr Richard Amery: And you're not going to miss out tonight.

Mr THOMAS GEORGE: I will not miss out tonight. I will not let the opportunity go without emphasising what the Government is doing to companies such as the Northern Co-operative Meat Company. The company, which has 1,750 producer members, is recognised as one of the industry leaders not only in Casino but right across the world. The company's total number of employees during the high season is 1,000, and during the low season it is 700. The company's wage bill is $38 million. Given a multiplier effect of 3.5, its wage bill is $483 million. It must be remembered that Casino has a population of only 12,000. The company needs State Government assistance with regard to increased road weight limits.

I will refer to a few statistics on actual product weight in a 40-foot container. In Queensland the road weight limit is 25 tonnes, whereas in New South Wales the road weight limit is 22.5 tonnes. The variance between the two States is 2.5 tonnes. Queensland processors in the South East Basin also have a capacity that allows a weight limit of 27 tonnes, which represents a difference of 5 tonnes between the two States. I will give an example. To load a 20-foot container and transport it to North Asia costs $4,500, whereas to load a 40-foot container costs $6,700. The disparity between a 20-foot container and a 40-foot container can give a Queensland processor a 6.3¢ per kilogram advantage. That disparity needs to be addressed. The lower weight limit in New South Wales is estimated to cost the Northern Co-operative Meat Company $1,204,500 per annum. If the company's processors go up the road 70 or 80 kilometres, they can have the full weight container, but they cannot go to Queensland to load the container.

I want to point out a few other statistics. As I said, the higher road weight limits in New South Wales compared with those in Queensland cost the company $1,200,000. If the company were in Queensland it would save $375,000 in payroll tax. The fire services levy has been a real thorn in my side; it would be $520,000 cheaper if the company were in Queensland. Workers compensation would be $1,500,000 less if the company were operating in Queensland. So, the operating costs of this company in New South Wales, just 70 kilometres from the border, would be $3,622,700 cheaper if it were in Queensland. It needs support, and the Government needs to be aware of these issues.

I have spoken about road problems. I recently had a meeting with the Minister for Roads, the honourable member for Clarence, and the honourable member for Ballina. We went to the Minister with a new proposal—an inland road—and I was criticised for being the first member of Parliament that has asked the Minister for Roads for a highway to go through his area. He said, "Why would you want that? How far out of touch are you?" The only thing the Minister did not realise is that I have lived in the area all my life, I have been involved with businesses all my life that are dependent on the trucking industry, I know and understand the community, and after discussions with my two colleagues in the area we realised what was best for the community and we put the highway proposal.

All I ask is that the Minister carry out a feasibility study and if the results of that study indicate, "Thomas, you are wasting your time. It is a waste of money," I will be the first one to say, "Thanks very much. At least you have proved us wrong." Of course, I may be proved right. We need to look at the benefit-cost ratio of route A and route B, and I challenge the Minister to undertake that feasibility study.

The biggest problem from the Pacific Highway to the tablelands from the Queensland border to Sydney is the east-west corridors. It is difficult to drive a truck or a car along those east-west corridors, whether from Lismore to Warwick, from Ballina to Tenterfield along the Bruxner Highway, or from Grafton to Glen Innes; it is a major problem getting over those ranges. We plead with the Minister to conduct that study and provide us with the statistics. We want an independent study to provide us with actual statistics, to either support us or show us where we are wrong in our proposal.

The roads in my electorate certainly need upgrading. The Summerland Way east of Mount Lindsay needs attention; the Woodenbong to Legume road badly needs an upgrade, and we are continually making approaches on that; and of course there is the Alstonville by-pass. There is heavy traffic between Lismore and the coast, and I want the Alstonville by-pass fixed up so that more people will come and shop at Lismore—though people in Ballina might say it will be the other way around. We need better access along the east-west corridors.

It is great to see former Minister for Agriculture Amery in the House. I could not finish without mentioning ticks and the Department of Primary Industries. At the moment the tick fever inquiry is under way, headed by Garry West, a former member of this place. I thank the Government for conducting this inquiry. I know that the local area is certainly putting a lot of effort into the inquiry and I thank the people of the Northern Rivers area, especially the people I represent, who have put a lot of time into providing submissions to the inquiry and who have also done a lot of work helping me call on the Government for this inquiry.

Duncan Gay, our shadow Minister in the other place, has done a lot of work in calling for the inquiry, and we have had a lot of support. The honourable member for Tweed was also involved. Let us hope some commonsense comes out of this because it has been a major problem. Former Minister Amery is grinning and acknowledging that. I could go on for a fair while about the problems associated with native vegetation but I want to place on record the concerns of farmers and landowners in my area who are faced with a major problem, especially after 1 December.

I pay tribute to our emergency service organisations. Again I single out the police, the New South Wales Fire Brigades, Westpac Lifesaver Rescue Helicopter Service, the Ambulance Service, the Rural Fire Service, the Volunteer Rescue Association at Casino, and the State Emergency Service [SAS]. They all do a tremendous job. The flood levee in Lismore has been completed. That was a three-way joint venture between the council, the State Government and the Federal Government. The flood levee was not even officially opened before the good Lord above officially opened it; He tested it out before we even had the official opening.

Everyone was concerned how the flood levee was going to hold, but it was not a question of whether it would hold, but whether it was high enough. I will never forget receiving a telephone call from a radio station at 12 o'clock one night wanting to know what all the fuss was about this levee and being asked, "Why won't people pay this levy?" I pointed out that we were talking about a flood levee wall, not a levy! People did not understand and they were concerned it was going to fall over. But that was not the problem; it was, as I say, a question of whether it was high enough.

The SES headquarters is on the river side of the flood levee wall and we are embarking on a program to build new headquarters at Lismore opposite the Westpac Lifesaver Rescue Helicopter Service. The council has been working with the State and Federal governments, and hopefully will be able to complete the plans and obtain funding for that project, typical of the support given in the area for all these organisations. We saw these

organisations, together with the Salvation Army, operate at Norply recently when there was a disaster at Kyogle. I pay tribute to Kyogle today on the opening of the Kyogle Memorial Health Centre. The Lismore SES alone provided 3,960 hours in answering 366 requests. That is nearly 4,000 hours provided by these genuine, dedicated people to the community. That is typical of all the organisations, and the least the Government can do is build them a great place to operate from so they can provide these services to the community.

As I have already said, Lismore has something like 73 emergency services members available to be called out, and there are 10 inductees waiting to join them. I place on record my appreciation of all the members of the emergency services within the electorate of Lismore who put their lives at risk to deal with any problems they confront and who unselfishly give of their time. Their families also need to be appreciated for supporting them while they answer calls, as do their employers, who give them time off to provide these services to the community. These people are a credit to the Lismore electorate and I trust that we will be able to complete the SES headquarters in the near future with all three tiers of government and the community working together.

Mr RICHARD AMERY (Mount Druitt) [8.09 p.m.]: I acknowledge that some months have passed since the budget was delivered. Indeed, since the budget we have seen a change in the political landscape of New South Wales. At that time the Premier was Bob Carr, the Treasurer was Andrew Refshauge and, if I can be cheeky, Pittwater was a Liberal seat. Changes have also been made to property taxes and vendor duty, and we will see the benefits of this budget for the rest of this financial year.

The budget for 2005-06 continues the trend of Labor budgets, both in recent times and past generations, of concentrating on massive public works or, as they are now known, infrastructure programs. Like all Labor budgets I have seen delivered in this place, the other common theme is that the Coalition parties have found it difficult to make any real criticism stick. The reason for this is also clear: there is little that can be criticised in the budget brought down by former Treasurer Refshauge. This year the Opposition has picked up on a misleading theme in the media that the Government, in its efforts to retire State debt, has allowed the so-called infrastructure of the State to run down. These arguments are not backed by evidence, but that has never stopped the Opposition from criticising the State Government.

To support its claims the Opposition has pointed to the water situation, an issue canvassed widely today by the Premier. Water restrictions in Sydney are introduced but the Opposition asserts the Government has not planned for the current water shortage. During debate about where a dam should be built, Opposition spokespersons do not bother to remember that we are in a period of historically low rainfall for the Sydney Basin and, indeed, despite good rainfall in recent months, for the whole State.

One need only look to the detail in the budget papers to see that the amount of State money being spent on infrastructure projects is higher than it was throughout the 1990s and the 1980s. My electorate of Mount Druitt is once again a winner when it comes to State funding. For example, $11.52 million will be spent on a new courthouse in Mount Druitt, of which more than $5 million has been allocated in this budget. Mount Druitt Hospital is another winner. The rehabilitation therapy hub will cost some $3.5 million, of which $1.5 million is allocated in this year's budget. This is only part of the funds being spent on our hospitals in the western suburbs. The Minister has already announced that $1 billion of the $10.9 billion budget is being spent in the Western Sydney Area Health Service.

Of the 800 new hospital beds announced for the State, 16 will be for Mount Druitt Hospital. Also, the new specialist paediatric unit is now operating. Mount Druitt TAFE continues to draw substantial resources from the State Budget, with $3.4 million allocated in this year's budget towards new classrooms for students in business and administration, hairdressing-beauty therapy, electrical engineering, and general purpose fields. Today during question time the Minister for Community Services referred to a $1.2 billion reform program for the Community Services budget. Mount Druitt is a major recipient of capital expenditure and ongoing expenditure. The Mount Druitt Community Services Centre will be one of 19 sites to benefit from that reform program for child protection services.

The recruitment process is currently underway for eight new caseworkers and a manager caseworker at Mount Druitt. This will bring the total number of caseworkers to 40, a 60 per cent increase in two years. These additional caseworkers will be better able to support families in the Mount Druitt area. In early 2006 the Mount Druitt team will be relocated to a new purpose-built office in Mount Street, Mount Druitt, close to the new courthouse. Capital works expenditure for the electorate is set at $126 million.

But, of course, there are critics. The history of New South Wales is littered with stories of massive Labor Government projects and pages of Coalition members of Parliament finding angles to criticise and

whinge about those projects. For example, when the Government introduced the Millennium train, the good, old-fashioned Liberal and National parties highlighted mechanical problems. The same could be said of Darling Harbour, which was built during the terms of the Wran and Unsworth governments. It is incredible that the Treasurer has to emphasise the amount of money the Government is spending on infrastructure. He said in the Budget Speech:

> No government in the history of this State has devoted more of its energy and resources to strengthening the basic services and essential infrastructure on which people rely …
>
> Capital expenditure by the entire New South Wales public sector in 2005-06 will be at its highest level ever in real terms: 52 per cent above the average of the 1990s and 68 per cent higher than the average of the 1980s.

Followers of this so-called infrastructure debate should look not only at what is being spent now but also at history to see which side of politics have been the real builders of the State—from the election of the McGowen Government in 1910, which moved quickly to construct the Murrumbidgee Irrigation Area, to the Holman Government and its investment in bulk grain handling, to the Lang Government's investment in railways and roads, through to the 25-year reign of successive Labor governments that saw massive investment in public housing, water storages, rail infrastructure and electrification between 1941 and 1965. The current infrastructure debate is only a repeat of the past. For example, the Opera House was an initiative of the Cahill Labor Government, and the New South Wales Opposition was the main critic of that project. When the Sydney Harbour Tunnel was being built, the one common theme, as with the Sydney Entertainment Centre and Darling Harbour, was that they were Labor projects that were criticised by the Coalition.

I should not suggest that the Coalition, when in government, has not tried some projects of its own. Let me remind honourable members of Eastern Creek Raceway, which was estimated to cost only $2 million but which blew out to $100 million or $120 million. The former Coalition Government tried to reopen Luna Park and lost $50 million in the process. It organised the airport link, which the Premier of the day said would cost the taxpayers "not a cent", but in fact it cost those who wish to have the privilege of travelling on the most expensive rail link in the country approximately $700 million. Perhaps I should not talk too much about the consequences of Coalition infrastructure projects.

Property tax was a controversial issue in the budget announced last year and involved three initiatives, including the removal of the land tax threshold, under which virtually everyone who had a second property had to pay land tax. It included vendor duty on the sale of investment property and a stamp duty concession for properties up to the value of $500,000 for first homebuyers so that they were not liable to pay stamp duty at all. This past year the call has been for the Government to reverse those policies. However, I do not believe that anyone would have wanted the Government to revert to the previous stamp duty policy for first homebuyers. In my electorate more than 99 per cent of homes are worth less than $500,000, so for the few houses that are sold for more than $500,000 only a small amount of stamp duty would be paid.

Premier Iemma abolished the vendor duty and reinstated the land tax threshold. Even though it has removed those revenue sources, I compliment the Government on maintaining the crucial component of the property tax reform of 2004 to ensure that first home buyers are not liable to pay stamp duty on properties under $500,000, and a concession for homes valued between $500,000 and $600,000. I congratulate the former Treasurer on his first budget. He maintained the excellent standard set by former Labor Treasurers of keeping debt down, public works up, and money distributed fairly among all those competing for public funds. We should not forget that this is in the context of New South Wales residents paying that well-known figure of $13 billion in GST to the Commonwealth Government but receiving only $10 billion back.

The Mount Druitt electorate has benefited from the Mount Druitt Hospital, the new Department of Community Services [DOCS] office, the new courthouse, last year's rail station upgrade, the Mount Druitt TAFE, along with past projects such as the police station, the Roads and Traffic Authority office, the quadruplication of the rail line, and Chifley college, to name but a few. And all of those projects have one thing in common: they were built by Labor governments, past and present.

I am pleased to contribute to this budget debate. I know some months have passed since the budget was brought down, but my electorate has been the beneficiary of a massive capital works project. Many people driving through my electorate have commented that it looks like a building site, with the construction of the M7 almost complete. The M7 cuts straight through a major portion of the Mount Druitt electorate. All the major projects such as the hospital, the DOCS office, the courthouse and the rail upgrade show that seats that are strongly held by Labor, such as Mount Druitt, are not neglected when Labor governments come to provide all-important public works funds, which are a highlight of this year's State budget.

Mr GREG APLIN (Albury) [8.20 p.m.]: On 24 May 2005 the Hon. Dr Andrew Refshauge, the Treasurer of New South Wales, delivered his first budget. It was the eleventh budget of the Carr Labor Government and it was the eleventh hour for the then Treasurer. During his preamble to the budget he paid tribute to his predecessor, Michael Egan, the longest-serving Treasurer in the State's history, and to his colleague the Premier, who was about to surpass the record held by Neville Wran as the longest-serving Premier of New South Wales. He thanked them for their stewardship and for the good fortune he had to assume the treasurership of the State. There is one thing in common with all those people mentioned by the Treasurer: none of them is still present in this august House, the Parliament of New South Wales. That probably says something about the then Treasurer's faith in the budget. It certainly speaks volumes for the people of New South Wales and their understanding of what the budget delivered.

What were my expectations prior to budget day? I said that tax relief was a priority; it remained the number one issue affecting not only the Albury electorate but the whole of New South Wales in relation to discouraging investment and encouraging businesses to move to other States. Close behind taxation was the improvement of infrastructure, particularly for the XPT CountryLink rail system. I suppose I could say that there were some good moments in the budget. Tax relief had been sought and there was a small move in the land tax, to adopt a Coalition policy, and I am pleased that that occurred. However, my overall reaction was that a "back flip", a "tax slug" and some "fence mending" were probably the best descriptions I could come up with to describe the 2005 budget. I saw it as one of lost opportunities, with no answers to the problems created by 10 years of Labor; no answers to late trains, the hospital waiting list crisis, and infrastructure and employment growth in the Albury electorate.

As I said, one highlight of the budget for the people of Albury was the adoption by the Carr Government of the Opposition's policy on land tax. The Government's back flip on land tax simply reinforced the level of its incompetence in abolishing the tax-free threshold in the first place. The Treasurer refused to provide a refund to all the property owners subjected to the tax rip-off this year. Property investors, including hardworking people saving for their future, were continually punished by what was the hated vendor tax. It was named the "world's dumbest tax". It killed the property market in New South Wales, and in my electorate it drove investment across the border. Along with everyone else, I applauded when the vendor tax was abolished, which was another Coalition commitment. Incredibly, the Government, through the Premier, was able to adopt the brazen approach, the sheer effrontery, of saying it was a brave and wonderful move to abolish the vendor tax—because that opened the question: Why was it introduced in the first place?

New South Wales retained its highest taxing status by hitting families, businesses and farmers with an increase in stamp duty for general insurance such as home and contents, travel insurance, mortgage insurance and public liability insurance. In the budget the Government allocated only $9 million to upgrade XPT trains, but that was for all XPT trains in the State. Allied to that commitment, there was no suggestion that it would make the trains run on time. The Government would do well to look at infrastructure and to consider the problems we face on the southern border. The Victorian Government is considering relocating the V/Line passenger rail service, which currently travels through the heart of Wodonga, to west Wodonga, with the movement of a rail station. That would leave Albury passengers without a means of travelling between Albury and Wodonga to connect with a broad-gauge rail line that travels down to Melbourne.

Certainly, in Sydney the Government may not be particularly concerned about providing a link to Melbourne. For the people of southern New South Wales it is a vital link. The Minister for Transport must meet with his Victorian counterpart to discuss this infrastructure problem, because infrastructure planning is required. The proposal will affect people in southern New South Wales. It immediately conjures up the bad old days of changing trains when the gauges changed on the border. Recently in a speech I harked back to Mark Twain's recounting 110 years ago of the necessity to change trains on the border because of the different gauges. We could well face a similar problem because there will only be the one standard line. That is fine—it carries the XPT, but it does not provide a contact between Albury and Wodonga and then down to Melbourne. I ask the Minister for Transport to consider that matter, because it is truly an infrastructure problem that affects New South Wales.

On the subject of rail, an overpass will be constructed at Gerogery, which has been the scene of a significant number of fatalities involving young people. The overpass is nearing construction but safety concerns expressed by local land-holders over the past two years have not yet been addressed. Indeed, local land-holders have yet to be convinced that their safety is being taken into account, because they must move slow-moving agricultural equipment and machinery from one side of the road to the other. In the future they will use the overpass, which will carry B-doubles and other heavy transport travelling at 100 kilometres an hour, or

possibly in excess of that, on the downhill side. Unfortunately the turn-off to farms is at the base of that incline. Land-holders are seeking to have their concerns addressed through the Minister for Roads and the RTA. They are backed up by a judgment delivered by Justice McClellan last year when he acknowledged that there were safety concerns about that roadway. Again, that needs to be addressed at a local level.

Another aspect of infrastructure that needs to be addressed in the Albury electorate relates to rail and the extension of a heavy-gauge line from Henty to the rail silos. In 1999 a committee was set up to take on board the issue and encourage the Government to extend the heavy-duty line. The strange irony is that the heavy-gauge rail lines lie alongside the lighter gauge lines. A heavy-duty locomotive carries a lighter duty locomotive from Junee and places the lighter locomotive onto the light-gauge rail line to transport grain from the silos to the main line. This would appear to be a duplication, at considerable cost. I believe that the Government should make it a priority to extend the heavy-gauge line for 1.1 kilometres in order to move grain much more efficiently and at lower costs.

In the budget there was $100 million for the Hume Highway upgrade at Albury. We all know this is Federal funding yet it is included as State expenditure and obviously swells the bottom line and makes the budget look better. The only other road expenditure, as I referred to a moment ago, is the further $2 million for the $18.5 million rail crossing at Gerogery. It is expected that that project will be completed prior to the end of the year. The much-vaunted investment in infrastructure yields very little for the Albury electorate. The extra funding is cleverly masked as "various" in the budget narrative. While Greater Southern Area Health Service headquarters at Queanbeyan have ensured $44 million for Queanbeyan hospital there is no promise to reduce waiting lists at Albury Base Hospital or to build an extra six age care beds at Culcairn.

I recently received a letter from Robyn Raine, a constituent who has been active in the community on all health issues and who has a son with a major disability and chronic health issues. On behalf of the wider community she brought to my attention concerns about what is happening with cross-border integration of the health system and asked whether it was in the best interests of Albury-Wodonga. She singled out the fact that there is now a single unit for paediatrics. She went on to ask about the reasons and promises that were given to the community. She said the reasons were that it would attract more doctors and nurses to the area. A single cross-border unit would create a unit to deal with more complex needs. It would create a safe environment for children and doctors, and children will still present and be triaged by paediatric doctors in Wodonga and there would be paediatric nurses in hospital at all times. If a child has to be transferred to Albury Base Hospital it would be by ambulance and parents should see it just as a corridor from one hospital to another. If Albury Base Hospital was full a strategy would be put in place to open the surgical ward to take on sick children. She went on to tell us the reasons we feel so upset and disillusioned with the integration process. She asked these questions:

1. How do you expect to attract more specialists when you cannot solve the problems and keep the medical staff that you already have

2. How do you expect to keep paediatric nurses in the Wodonga hospital trained and skilled when there are different rules and registrations that stop them working in both states

3. How can it be made an elite unit when the hospital is under funded and at breaking point

4. How would you have a safe environment when it is not staffed or equipped properly

5. And when this happened at Albury base, why wasn't the Wodonga paediatric winter strategy put in place for children if it was not a cross border issue

6. And if you expect to see this as a corridor from one hospital to … another how come it was made out to be just a NSW health problem when it is supposed to be an integraded service and Victorian children were effected.

She went on to tell the Minister for Health:

> If you plan to attract more specialists and doctors to the area you must give them some commitment and incentives as well as a safe work place for them to stay.
>
> You must have an equipped and funded facility for them to work in.
>
> You must put more funding in for teaching and training programs that we already have here so that the younger doctors will come back.
>
> But most importantly if you are going to have an integrated health system you must come to the realisation that Victoria is not just funding the Wodonga hospital and NSW is not just funding Albury base, but as two campuses with the combined population of Albury/Wodonga and surrounding districts.

> So both hospitals have to be funded and equipped to deal with growing populations of these two cities.
>
> And some how there has to be dual worker contracts, dual registration and two hospitals working together on all issues,
>
> We need two health services and two states working together to run a dual service on every level

I congratulate Robyn Raine on placing those comments so clearly before us. I have been advocating that for the past two years. I still have some concerns. These were drawn out by the Auditor-General in his report to Parliament for 2005 when he stated:

> The Service told us—

And he refers to the Greater Southern Area Health Service—

> that the Department has expressed concerns over the arrangements and that these matters would be considered during a review of the cross border agreement to be conducted in or before December 2004. We understand the review is currently underway.

That is correct; it is. The only problem is it is now November 2005 and this review, the cross-border health agreement interim review, which should have been completed by the halfway point, which would have been early this year, will not now be completed until 2006. Of course, the agreement comes to an end in July 2006. It will be interesting to see the commitment of the department and the Minister. Interestingly, when it comes to the Greater Southern Area Health Service we note from the Auditor-General's report that:

> The Department has directed that Areas should not have any creditors … over 45 days. The Service did not meet this requirement. During the year the Department provided repayable advances of $10.0 million to help the Area address its liquidity. Nevertheless the total level of these creditors at 30 June 2005 was $7.5 million. The Department told us that the Service's financial performance would be monitored and subject to ongoing assessment.

So they should, because he went on:

> Cash flow difficulties are placing a significant strain on resources within the finance division and elsewhere within the Service. Considerable resources are being devoted to handling the volume of creditor enquiries due to slow payment of invoices. Some creditors have placed the Service on "stop supply" and many practical difficulties are being encountered in acquiring critical goods and services needed for running the Health Service.

Those are not my words, they are the words of the Auditor-General. They reinforce the concerns that have been expressed by many representatives of the people, including me, over the past year. These are not new issues. These are not new computer glitches. These are the result of an amalgamation of health services that was ill-considered and ill-conceived and is not working correctly.

Interestingly, I was speaking with representatives of the community in a country town recently. They said to me that the Government had presided over and encouraged the biggest centralised model for hospitals and delivery of health services. They referred to control from the top, the spin doctoring, the suppression of dissent, the removal of local management, the inadequate staffing at patient service level, the proliferation of managers forever attending conferences, a lack of real understanding of local issues and, above all, an insistence that staff toe the line and provide reports that support the outcome desired by the Government, which was obvious to any observer gaining access to the facilities.

All of that suits the New South Wales health department because it has an inbred culture developed over several decades that supports and promotes all of the matters mentioned. Whenever the situation reaches crisis point a restructure is announced—usually bigger areas with the promise of savings and greater efficiency. It only lasts until the next crisis when a new structure is announced and we go through the same process again. Every restructure takes years, not months, to settle. It is generally not complete before the next restructure is announced. Staff are uncertain as to their positions and roles in the community and are frustrated. Patient services and future planning are put at risk. Costs for the implementation of the new structure are usually dismissed as being one-off. [*Extension of time agreed to.*]

Would the money be better spent on better patient services? Following restructure after restructure the whole system remains flawed, as demonstrated by the continuing saga of the Greater Murray Area Health Service—now the Greater Southern—not paying its accounts. Why would the Minister need to appoint somebody to see that the accounts are paid? It says very little for the ability of Greater Southern Area Health Service to manage its affairs, given that it has the dual benefits of two accounts departments, one from Greater Murray and one from Greater Southern. Yet the problems are more unmanageable than ever before.

Above all, it is the strong role that will be played by small local hospitals, the proper MPS model, the local hospital MPS board, and the local director of hospital health services. That has to be recognised and

fostered by NSW Health and the Government if the operation is to succeed. Strong local hospitals and MPS boards reduce the load put on the base and larger hospitals, which should be focused on more demanding procedures. In country areas and towns the retention of the local hospital, the MPS, is essential for access by the local community due to many factors, including support for the local doctor and a lack of public transport. As we all know, in country areas, outside of the main cities, there is very little in the way of taxi transport. One of the other important elements is that the closeness of the family unit is retained by providing services within those smaller communities.

The Ambulance Service needs reform, being co-located with the hospital or MPS in country areas, with backup from regional centres. It was made clear at Henty during the opening of the MPS only last week that Henty is 60 kilometres from any ambulance service. It is therefore disadvantaged and its patients often have to suffer the indignity of a transfer from one ambulance to another as vehicles cross from one region to another. In this situation it would make sense if an ambulance were based at the MPS. Staff at the MPS would then be multiskilled. The charge for an ambulance service between hospitals and MPSs could well be investigated and changed so that this nonsense of transfer costs does not occur. Every hospital and MPS should have its own board of management of local citizens with proper governance responsibility. That would go a long way to sorting out some of the problems currently besieging the Greater Southern Area Health Service.

Education has not fared particularly well: there was no commitment of extra funding for school upgrade works in the electorate. However, I worked with the department on the sale of surplus land at Henty, which is currently under the guardianship of the Henty Public School. After approaching the regional director and then the Minister we were able to fast track the sale of that unused land and, importantly, gain a commitment that the moneys raised would go back to the school for improved facilities. I was very pleased to learn that 90 per cent of the proceeds will be returned to the school.

During a visit to the school earlier in the year I found that my visit coincided with the day that the "For sale" sign was being erected on the spare land. I was already aware of the purpose to which the funds would be put but I was pleased, with the principal, to look at and learn of the plans and to see the gratitude expressed. Through community pressure and representation the school will gain something important for the students. Another issue that needs to be addressed by the Minister for Education and Training is the Aquatic Environment Education Centre at Wonga wetlands in Albury. Requests for support have been pushed for some years now by me, the community and school principals from the public and independent systems. Currently it is supported purely by Albury City Council. The response from the education Ministry was:

> ... the Department of Education and Training has already fully committed the funds available for the area of environment education, including funding of 23 environmental education centres across New South Wales and two zoo education centres. One of the environment education centres is the Riverina Environmental Education Centre at Wagga Wagga.

This is all very well but Wagga Wagga is 130 kilometres from Albury. Numerous schools travel from across southern New South Wales and even from north-east Victoria and from Sydney to visit the Albury centre. This speaks volumes for the quality of education, which is syllabus related, delivered at that centre. I plead for the Government to consider in next year's budget an allocation of funding towards that magnificent and perhaps unique centre on the Murray River. With the need particularly in regional areas to encourage apprenticeships it was extraordinary that a day after the budget this item appeared in the local daily newspaper, the *Border Mail*. It was titled "Job help team axed" and stated:

> The Murray Youth Employment Training Network will cease operations on Tuesday when NSW Government funding ends.
>
> ... the program was established in October 2002, with funding from the NSW Board of Vocational Education and Training to address many issues affecting youth, employment and education in the Albury region... a dedicated group of business operators, education and service providers had been a part of the network.
>
> The network had been a driving force behind successful initiatives such as the L-Plates for Industry—Let's Grow Our Own Campaign... these projects achieved wide acclaim for providing a positive focus in motivating youth, industry and the wider community to address our regional labour and education demands.
>
> At a time when skills shortages, youth unemployment and future education directions are high on everyone's agenda... [the service was cut through lack of funding].

So on the one hand a great job was achieved; on the other there is the query as to why it was not continued, particularly at this time of focusing on apprenticeships and encouraging youth to remain in regional areas and to enter vocational courses. The budget failed to plan for the ageing population or to assist people with disabilities in the southern region. Most of the funding announced goes to stabilising and maintaining current services that

struggle to meet demands and only partially respond when people are in desperate crisis. Over the lifetime of this Government the Albury electorate has been the poorest resourced in the southern region, with young people living in nursing homes and elderly parents caring for children with disabilities. Many families are stretched to breaking point because they cannot get respite or the support they deserve. This was highlighted in answer to a question I posed to the Minister.

In the reply I received today I found that over the last financial year the Albury electorate received only $4,921,677 in funded service grants for the western region while up the road Wagga Wagga received $18,467,771. I had asked: What are the reasons for the significant differences in funding allocations between areas of similar populations? The answer was that non-government organisations receive funding for regional services covering large geographic areas. However, the question arises as to whether those services are being monitored. In meeting with people who are clients of the Department of Ageing, Disability and Home Care I have found on many occasions that they are unaware of the services being delivered. So there is certainly room for the Government to ensure that the services are delivered in a more equitable manner in the Albury electorate.

It is interesting that the Premier's Department closed down its Drug and Community Action Strategy Office in Albury at the end of June. It says a lot about the commitment to front-line services. The number of police has steadily drained from the administration area at the local area command based in Albury—and from the total force—reducing to a low of 140 from a high of 156. The strain has told and the manager of the administration service took sick leave, as did one of his officers. The plight has been further exacerbated by the sick leave of the senior local area commander. That is borne out by the fact that there has been no Police Accountability Community Team meeting over the past year in the Albury electorate. I hope that will be addressed because I for one found them a useful means of conversing with the many people involved in crime prevention and law enforcement in the area.

Despite the fact that land had been purchased at Lavington and development approval secured by NSW Fire Brigades for construction of a new fire station, no money was allocated in the budget for the project. This is extraordinary. In answer to a question more recently I have found that funds will now be sought for the project as part of the 2006-07 budget process. This indicates that planning is somewhat loose when it comes to construction. People's hopes are raised only to be dashed when the construction takes several years rather than occurring at the time promised. To bear that out, in June 2004 the Attorney General stated that $150,000 would be provided to upgrade the facilities at Albury courthouse for disabled clients. The completion date expected was March 2005 but to date no works have been undertaken—and it is now November 2005.

Another infrastructure promise that has not been delivered concerns Morgans Lookout near Walla Walla. The salt interception plant pump successfully operated in the summer of 2003-04 but it remained idle last summer because there was no funding to operate it. Yet the Department of Infrastructure and Planning sunk another bore in February this year and purchased private property. But it still has no funds to pump water into Billabong Creek to benefit land-holders in the Walbundrie-Rand area. This is all the more surprising when funding is allocated to other salt interception plants. I refer to the $507,000 for Buronga. I have nothing against Buronga but where an operation has been proved effective it would seem sensible to provide money to keep it operating. All that taxpayer money is now wasted on equipment which cannot operate because it is unfunded. The budget is a sad indictment of a Government that has had more than $7 billion in additional tax revenue over the past 10 years but has failed to invest in infrastructure projects. It now sinks the State into debt to try to catch up on this neglect because it fears the justified wrath of the public in 2007.

Debate adjourned on motion by Ms Sandra Nori.

The House adjourned at 8.51 p.m. until Thursday 1 December at 10.00 a.m.