

LEGISLATIVE ASSEMBLY

Tuesday 24 May 2005

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 12.00 noon.

Mr Speaker offered the Prayer.

APPROPRIATION BILL

APPROPRIATION (PARLIAMENT) BILL

APPROPRIATION (SPECIAL OFFICES) BILL

FISCAL RESPONSIBILITY BILL

STATE REVENUE LEGISLATION AMENDMENT (BUDGET MEASURES) BILL

Mr Speaker laid upon the table a copy of the Budget Estimates 2005-06, Volumes 1 and 2 of Budget Paper No. 3.

Ordered to be printed.

Bills introduced and read a first time.

Second Reading

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Treasurer, Minister for State Development, and Minister for Aboriginal Affairs) [12.05 p.m.]: I move:

That these bills be now read a second time.

Mr Speaker,

It is an honour for me to present my first budget as Treasurer—the eleventh of the Carr Labor Government.

Among its many objectives:

- ◆ securing the New South Wales economy;
- ◆ advancing Labor's goal of lasting social justice for the people of New South Wales.

There is one that stands out.

This is a budget that builds for the future by investing in our infrastructure.

This budget is a charter for economic growth and security.

- ◆ for development;
- ◆ for social equality;
- ◆ for the long-term needs of our State.

It puts in place the building blocks that will help us deal with the pressures of an ageing and growing population.

Mr Speaker,

The New South Wales economy remains fundamentally strong.

And for that I pay tribute to my predecessor, Michael Egan, the longest-serving Treasurer in the State's history. And to my colleague the Premier, who tomorrow will surpass the record held by Neville Wran as our longest-serving Premier.

Thanks to their stewardship, it has been my good fortune to assume the Treasurership with the State's economy in solid shape.

- ◆ with employment growing;
- ◆ with business investment already strong and set to rise even further;
- ◆ with our triple-A credit rating secure.

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

Dr ANDREW REFSHAUGE: And with general government sector debt—that \$12 billion legacy left to us by the previous Liberal/National Party Government—all but eliminated.

Whatever difficulties we may face in the future, let no-one forget that astonishing record of economic recovery under Labor.

- ◆ ten years of sound economic management.

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

Dr ANDREW REFSHAUGE: Reducing general government sector debt, and reversing the Liberal record of chronic budget deficits, has helped reduce the huge interest burden for New South Wales taxpayers by almost a billion dollars a year and allowed us to pay for government services and infrastructure.

Thanks to our reforms, businesses have already seen:

- ◆ cuts in payroll tax;
- ◆ the abolition of a range of other taxes;

Real reductions of up to:

- ◆ 20 per cent in electricity charges;
- ◆ 19 per cent in port charges; and
- ◆ 44 per cent in rail freight charges.

All of which have helped create new jobs and bring increased prosperity to the people of this State.

Mr Speaker,

This is a budget that reflects the Government's priorities. As a Labor Treasurer in a Labor Government, I have no doubt where our priorities lie:

- ◆ securing a person's access to work;
- ◆ to the best possible education;
- ◆ to the highest standards of health care;
- ◆ to the safest streets;
- ◆ to reliable public transport; and
- ◆ a sustainable environment.

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

Dr ANDREW REFSHAUGE: Mr Speaker, 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 our 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 higher than the average of the 1990s;
- ♦ 68 per cent higher than the average of the 1980s.

Mr Speaker,

Today I announce that investment in public infrastructure across New South Wales over the next four years will total **\$34.7 billion**.

- ♦ A significant increase on the \$26.6 billion spent in the four years up to 2004-05.

This increase will be funded by an increase in predicted general government sector debt of \$1 billion and an increase in the predicted public trading enterprise debt of \$2.5 billion.

Mr Speaker,

For all its ambitious spending and investment plans, I believe this is a prudent budget.

- ♦ an economically responsible budget;
- ♦ with an eye to the challenges and difficulties, the risks and uncertainties confronting the economy at both State and national levels.

Mr Speaker,

Over the next four years, we will be spending \$34.7 billion on infrastructure, that is:

- ♦ \$24 million dollars every day;
- ♦ ***A million dollars every hour.***

It will fund new projects and works already under way.

This investment alone will support around 113,000 jobs across the State.

One million dollars every hour, of every day, of every week, of every month for the next four years.

- ♦ creating and sustaining jobs;
- ♦ improving the social fabric and economic strength of the State.

In the coming year alone we will spend more than \$8.2 billion on infrastructure—15.2 percent higher than in 2004-05:

- ♦ \$3.8 billion in the general government sector; and
- ♦ \$4.4 billion in government businesses and utilities.

Rail

Mr Speaker,

The Carr Government recognises the importance of a safe, reliable public transport system.

For this reason, we will be investing \$1 billion this year on new and existing projects to improve the safety, reliability and comfort of our trains.

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

Dr ANDREW REFSHAUGE: New projects include:

- ◆ \$268 million being spent over the next three years to buy 81 new outer suburban rail carriages;
- ◆ \$1.5 billion to replace 498 older rail cars with air conditioned carriages;
- ◆ \$15.5 million on resignalling between Oatley and Cronulla; and
- ◆ \$8 million on vigilance control systems.

Mr Speaker,

In addition to these new projects, work is continuing on our existing projects, including:

- ◆ \$97.5 million to be spent as part of our \$1 billion rail Clearways Program;
- ◆ \$434 million being spent continuing work on our \$2 billion Epping to Chatswood rail link;
- ◆ \$59 million on the first tranche of our Outer Suburban Cars;
- ◆ \$21 million on Hunter Fleet Rail Cars;
- ◆ More than \$20 million on easy access upgrades at railway stations across the network; and
- ◆ \$9 million upgrading our XPT trains.

Buses

In addition to our investment in rail, this year we will spend more than \$83 million upgrading our bus fleet and depots.

State Transit will invest more than \$137 million between 2005-09 replacing 268 standard buses.

A further \$40 million will be spent this year to fulfil our commitment to buy 80 high capacity buses by 2006.

More than \$7 million will be spent fitting existing buses with closed-circuit television cameras to ensure passenger safety.

Mr Speaker,

An additional \$90 million will be provided over the next three years as part of our expanded bus priority program.

A further \$65 million will be available to be spent developing a Tcard that will eliminate the need for separate tickets for train, ferry and bus travel across the network.

Roads

Mr Speaker,

The Government will continue to develop and maintain our roads infrastructure so that it will:

- ◆ meet economic and social needs;
- ◆ promote and improve road safety; and
- ◆ minimise the impact on the built environment.

Capital and maintenance investment in roads this year will total \$2.4 billion.

Of the total \$2.4 billion budget, more than \$1.5 billion—or 62 percent—will be spent outside Sydney.

Major investments include:

- ◆ \$130 million to continue work on the north-west transitway network;
- ◆ \$176 million to continue work on the upgrade of Old Windsor Road;
- ◆ \$18 million to continue work on the north Kiama bypass;
- ◆ \$38 million for widening the Great Western Highway to four lanes between Katoomba and Woodford;
- ◆ continuation of our 10 year, \$2.2 billion upgrade of the Pacific Highway.

Mr Speaker,

Not only are we investing for today.

We are planning for tomorrow.

With the population pressures continuing to confront the residents of this State, we need to prepare for the future.

We need to make certain that we don't repeat the mistakes of the past Liberal/National Party Government when they released land in the north-west, without any adequate infrastructure in place.

Mr SPEAKER: Order! The Leader of the Opposition will stop calling out.

Dr ANDREW REFSHAUGE: That is why the Government is developing its Metropolitan Strategy.

It will help guide our future land release areas to ensure that the necessary infrastructure is in place as the new houses come on line.

I am pleased to announce that this budget provides \$33.9 million for our newly established Growth Centres Commission.

Utilities

Mr Speaker,

With our growing population, it is essential that we maintain our investment in our energy and water utilities.

Over the next four years, our public trading enterprises, including our energy and water utilities, will invest almost \$19 billion in infrastructure.

This investment will be partly funded by an increase in net debt, \$2.5 billion more than previously planned for the PTE sector over the next four years.

Electricity

Mr Speaker,

Investment in our energy industries this year will total \$1.8 billion.

Energy Australia will invest \$504 million this year in network infrastructure, including:

- ◆ \$33 million on substation equipment replacement;
- ◆ \$10 million to replace switch gear and cabling equipment at Chatswood and Crows Nest;
- ◆ \$11 million to construct a new zone substation, catering for high-load growth in the Green Square and Alexandria areas; and

- ◆ \$18 million to replace infrastructure and increase capacity and reliability to meet increasing demand in Sydney's CBD.

Integral Energy will spend \$361 million this year on projects that include:

- ◆ \$82.9 million for capital refurbishments;
- ◆ \$10.4 million for the high-voltage distribution network program;
- ◆ \$9 million for underground residential development;
- ◆ \$35.9 million on the establishment of the Bella Vista zone substation; and
- ◆ \$18 million for the Hoxton Park airport zone substation.

Country Energy will spend some \$446 million this year in capital works on a range of projects, including:

- ◆ the upgrade and expansion of the Ballina zone substation;
- ◆ a new substation at Lismore;
- ◆ an upgrade of the Griffith zone substation;
- ◆ upgrade supply to Wagga Wagga's CBD and commercial areas; and
- ◆ upgrade to Cudgen zone substation.

TransGrid will spend \$192 million in the coming year to further expand and upgrade the high-voltage electricity network.

Work will include:

- ◆ \$18 million for the Coffs Harbour substation; and
- ◆ \$52 million for the upgrade of transmission lines, transformers and substations across the whole of New South Wales.

A white paper on energy will indicate further direction of infrastructure expenditure.

Water

Mr Speaker,

This year, capital spending by water businesses, excluding environment protection, is expected to be \$406 million.

A \$170 million increase on last year.

This increase is mostly driven by the Government's Metropolitan Water Plan, which was released last year.

The Sydney Catchment Authority will spend \$199 million in 2005-06, primarily for the construction and renewal of assets used to collect, store and deliver bulk water.

Over half the program is devoted to projects included in the Metropolitan Water Plan and includes:

- ◆ \$89 million to access deep water storages at Warragamba and Nepean dams; and
- ◆ \$42 million on a new pumping station at Prospect Reservoir.

Sydney Water will also spend \$361 million on environment protection related programs, including:

- ◆ \$27.4 million for works to service new urban developments; and

- ◆ \$47.6 million for the Government's Priority Sewerage Program.

Sydney Water will also invest \$127.9 million on various projects designed to maintain, and upgrade its network.

State Water will invest \$33 million on maintaining and upgrading its infrastructure, including major dams and weirs.

Hunter Water expects to spend \$52 million on environmental protection programs, along with \$10.5 million to upgrade its water treatment and distribution system.

Overall, \$2.6 billion will be spent on water and energy infrastructure this year.

Health

Mr Speaker,

There can be little doubt that health care costs are the biggest long-term issue confronting governments throughout Australia.

Increasing demands for services and an ageing population pose a continuing challenge for the budget.

Each year more and more patients are presenting at hospital emergency departments and being admitted to hospital wards.

At the same time, the costs of new drugs and health technologies, leading to new procedures and better outcomes for patients, are rising steadily.

New South Wales is meeting that challenge head-on with a record investment in health services in the year ahead.

- ◆ a total recurrent budget of just under \$11 billion, and new capital investment of \$2.5 billion over the next four years—\$649 million in 2005-06.

That is an increase of 9 per cent in recurrent funding—or \$901 million—more than last year's budget allocation.

Spending on health is double what it was when we came to office.

In all, we will be spending around \$1.5 billion this year to meet the costs of elective and emergency surgery for patients in our public hospitals.

The highest figure on record.

Mr Speaker,

The budget provides:

- ◆ funding for 322 new permanent hospital beds in addition to the 984 new beds announced last year;
- ◆ \$25 million to provide an extra 57 intensive care beds for adults, children and neonatal care;
- ◆ \$30 million over two years to further reduce waiting times for elective surgery; and
- ◆ an additional \$300 million will be provided over four years to improve and enhance mental health capacity in our hospitals and community facilities.

This will mean, among other things, a total of 51 new beds for psychiatric patients at Campbelltown, Hornsby and Dubbo hospitals.

We will open another seven emergency psychiatric care units in selected hospitals across the State following the success of the units in Liverpool and Nepean hospitals.

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

Dr ANDREW REFSHAUGE: Major works commencing in 2005-06 will account for \$307.8 million of our four year \$2.5 billion hospital infrastructure investment. Projects starting this year will include:

- ♦ \$236 million over five years to upgrade and redevelop Bathurst, Orange and Bloomfield hospitals;
- ♦ \$44 million over the next three years upgrading Queanbeyan hospital; and
- ♦ upgrades costing \$27.3 million over two years to improve facilities and equipment at metropolitan hospitals—including the Mona Vale Hospital emergency department and Manly Hospital's intensive care unit and Ryde Hospital.

Mr Speaker,

The Carr Government takes a special pride in its contribution to the fight against cancer.

This budget provides an extra \$30 million for the Cancer Institute of New South Wales, taking its total funding to \$65 million for research, screening and preventative programs.

I am delighted also to announce an additional \$10 million for the NSW Ambulance Service to recruit more than 100 new officers and lease 22 new ambulances in New South Wales.

Education

Mr Speaker,

The recurrent and capital budget for education will this year exceed \$10 billion for the first time—\$440 million more than last year.

The budget confirms the Carr Government's commitment to public education and its determination to meet the challenges of the future.

We are ramping up our \$476 million class-size reduction plan which has proved to be a striking success.

In keeping our promise to the people of New South Wales, next year, year 1 classes in New South Wales public schools will be reduced to a statewide average of 22 students.

Mr Speaker,

While OECD reports show that literacy levels for 15-year-old students in New South Wales are up there with the best in the world.

- ♦ The same cannot be said for our Aboriginal students.

Despite the best intentions and goodwill, academic results for Aboriginal students are substantially below that of the mainstream student population.

That is why today I am pleased to announce \$53 million will be spent over the next four years to trial new initiatives to improve Aboriginal education.

These initiatives were developed as part of a comprehensive Aboriginal education review.

Mr Speaker,

From next year, a number of community schools will be trialled throughout the State where there is a significant Aboriginal student population.

All teaching appointments to these schools will be merit based, with the parent community represented on all interview panels.

Incentive packages will be made available to attract the best staff, with individual learning plans being developed for all students in participating schools.

These schools will become the centre of community activity, with their facilities being used all year round, including holidays, and provision for preschool care as well.

These measures represent a substantially different way of delivering education in our public sector.

- ◆ because to continue to do more of the same
- ◆ would only lead to the same results,
- ◆ and that is not good enough.

Mr Speaker,

New South Wales already leads Australia with its investment in information and communications technologies in our schools.

We are providing a record investment of \$942 million over four years in these technologies to:

- ◆ purchase 100,000 computers;
- ◆ provide 129 IT support staff; and
- ◆ improve internet bandwidth.

The budget will also provide:

- ◆ additional funding of \$130 million over four years to improve support for students in special schools and special classes in regular schools, that includes employing more than 660 new teachers' aides;
- ◆ \$538 million over four years for our State literacy and numeracy plan;
- ◆ \$250 million over the next four years to increase the quality of teaching in government schools, enhance teacher professional development and ensure an adequate supply of teachers in key learning areas; and
- ◆ \$73.6 million will be spent over the next four years on 20 new suspension centres, eight new behaviour schools and seven new tutorial centres where appropriately trained teaching and support staff will be available.

Mr Speaker,

We will continue our considerable investment in upgrading our schools.

As part of our four-year schools improvement program that now will be costing \$1.4 billion, more than \$390 million will be spent in 2005-06 on the construction and enhancement of school facilities.

New schools will be built at Seconds Ponds Creek and St Marys.

Major upgrades will commence at:

- ◆ Ulladulla;
- ◆ Dubbo;
- ◆ Bulahdelah;
- ◆ Concord West;
- ◆ Raymond Terrace;
- ◆ Strathfield Girls High; and
- ◆ A school hall at Gunnedah South.

Skilled Work Force

In our TAFE colleges, we are planning for another 13,000 new places this year, taking the total in training to more than 520,000.

We are allocating more than \$80 million to TAFE's capital works program for major refurbishment of facilities at 10 TAFE institutes.

Mr Speaker,

New South Wales already offers the most extensive Vocational and Educational Training in Schools program in Australia—with 54 nationally accredited courses.

We have improved incentives for industry to take on apprentices through the introduction of special payroll tax exemptions.

This budget will provide funds for TradeStart—a 12-month pilot scheme in which 450 apprentices will be able to do their first year of TAFE training in 16 weeks before starting work.

We will provide a \$100 rebate on the cost of car registration for first and second year apprentices as an added incentive for young people considering an apprenticeship as part of their career.

We will also provide additional travel support for the 5,000 apprentices from rural and regional New South Wales by doubling their overnight accommodation allowance.

And we will be investing an additional \$1 million in group training to deliver an additional 800 apprentices for small business, rural, regional and disadvantaged communities.

Welfare Programs

Mr Speaker,

I am proud to announce that this year's budget allocation for community services—to help children, young people and families in need—exceeds \$1 billion for the first time, an increase of 12.2 per cent.

The budget provides an extra \$186 million over four years to help fund more child protection caseworkers.

Mr Speaker,

The budget also increases funding for aged care services and for people with disabilities by 11.8 per cent—bringing the total allocation to more than \$1.5 billion.

The budget includes:

- ◆ \$110 million over four years to increase support places for high-needs clients;
- ◆ \$8.4 million over four years to support trials of alternative supported accommodation models; and
- ◆ \$8.8 million over four years to provide more respite care.

An estimated \$468.7 million will be spent on older people and their carers through the Home and Community Care Program, a joint Commonwealth-State initiative.

Housing

Mr Speaker,

The budget will invest an extra \$190 million in public housing over the next four years.

This year we are spending \$657 million to provide assistance to some 500,000 people in New South Wales through a range of housing programs.

Rural and Regional

Mr Speaker,

The Government has committed \$360 million in 2005-06 to support our farmers and primary producers across the State.

The funds will deliver an important boost to agriculture, fisheries, forestry and mineral resources. In the face of the worst drought in a century, this budget continues our support for drought-stricken farmers.

Since the drought, the Carr Labor Government has committed more than \$160 million in drought-support measures.

And that support will continue as long as the drought itself continues.

This budget includes an initial allocation of \$16.2 million to support on-going drought-assistance measures—but extra funding will be provided if the drought continues.

Public Order and Safety

Mr Speaker,

The Government has exceeded its commitment to raise authorised police strength to 14,454.

The budget for the police has been increased by \$111 million—or 5.8 per cent—to \$2 billion.

New spending will include:

- ◆ \$72 million over three years to build six new police stations at Campsie, Dubbo, Fairfield, Lismore, Orange and Wagga Wagga;
- ◆ \$2.8 million for a new helicopter; and
- ◆ \$1.3 million for additional counter-terrorism surveillance equipment.

Mr Speaker,

Unfortunately, to cater for the expected growth in prisoner numbers, \$257 million will be provided between 2005-10 to build a new correctional centre for up to 500 inmates and for the expansion of regional prisons at Cessnock and Lithgow.

Fire and Emergency Services

As part of the budget allocation for our fire and emergency services, we are providing \$46 million this year for:

- ◆ more than 200 new bushfire tankers;
- ◆ 40 fire engines; and
- ◆ 39 SES response vehicles.

The Fire Brigades' budget is a record \$489.5 million, which will include funding for:

- ◆ 52 extra firefighters; and
- ◆ 53 new fire engines and other vehicles and equipment.

Caring for the Environment and our Natural Resources

The Department of Infrastructure, Planning and Natural Resources will spend \$319 million on natural resource management programs in the coming year, as well as \$92 million on environmental planning programs.

The department will also support 13 catchment management authorities so that natural resource investment decisions totalling \$436 million can be made locally.

The Government will continue our \$52 million salinity strategy as part of the almost \$400 million national action plan on salinity and water quality.

In addition, the Department of Environment and Conservation will spend \$507 million on protecting and conserving the New South Wales environment.

\$115 million in funding is being provided for the Living Murray Program over five years to return 500 gigalitres per year to the river.

\$13.2 million will be spent by the Department of Lands to improve land information, including state-of-the-art mapping and aerial photography, to help firefighters, farmers and businesses.

Fiscal Outlook

Mr Speaker,

The 2005-06 budget has been prepared in the face of a difficult fiscal environment.

♦ probably the toughest this Government has had to face.

And it is important that I put these difficulties in context.

To begin with, we face continuing hardship among our farmers, with almost 90 per cent of the State still in drought.

We are faced with higher public sector wage claims.

Our policy of 3 per cent increases annually, I believe, will provide fair wages growth for all public servants.

Then there is the cooling of the residential property market throughout Australia that has put pressure on revenues.

Mr SPEAKER: Order! The Leader of the Opposition will stop calling out. I call the honourable member for Willoughby to order.

Dr ANDREW REFSHAUGE: Finally, Mr Speaker, of all the difficulties confronting us in framing this budget, the worst is the shabby funding deal we receive from the Commonwealth. New South Wales has become the target of an unprecedented campaign of discrimination by the Howard Government. Much has been said and written about the GST deal for New South Wales.

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

Dr ANDREW REFSHAUGE: But nothing can alter the fact that New South Wales, while it contributed \$13 billion to total GST revenues, received only \$10 billion back from the Commonwealth.

Nothing can alter the fact that New South Wales taxpayers and families have been short-changed by \$3 billion.

To make matters worse, the Howard Government has unilaterally terminated the existing National Competition Policy payments to the States.

♦ with New South Wales set to lose \$270 million a year from 2006-07.

Before I turn to the budget result and the State's financial position, I wish to inform the House that today I am introducing a Fiscal Responsibility Bill, that updates the State's fiscal strategy.

New South Wales has been well served over the past decade by a fiscal strategy that has seen general government debt slashed at the same time as spending on government services has soared.

However, times have changed, and we need to ensure that our fiscal strategy keeps pace with the fiscal challenges that lie ahead of us.

The bill extends the range of fiscal targets and principles that have governed the conduct of fiscal policy over the past decade.

The new targets and principles will not only protect the gains that have been won over the last 10 years, but will build upon them.

Fiscal targets have been set for 2010 and 2015 that will further reduce the level of net financial liabilities in the general government sector.

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

Dr ANDREW REFSHAUGE: We will aim to keep general government net debt as a share of gross State product at the level as at June 2005.

As gross State product increases so will the capacity of general government net debt increase.

Expenditure growth will be managed so that it matches the sustainable growth in revenue.

The Government's fiscal strategy puts in place a framework within which expenditure decisions can be taken that are sustainable, not only today, but for future generations.

Revenues

Mr Speaker,

I turn now to our overall financial position, our revenue estimates and the forecast budget result. The Government's revenues are expected to total \$40.9 billion in 2005-06.

This is an increase of \$2.2 billion, or 6.8 per cent, over last year's budget estimate.

These increases compare with an expected 7 per cent nominal growth in gross State product in 2005-06.

We are expecting the economy to strengthen following a recent period of somewhat slower growth.

Economic activity should continue its shift away from household expenditure towards business investment, as is suggested by the Reserve Bank and the Federal Government.

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

Dr ANDREW REFSHAUGE: Mr Speaker, with all these factors in mind, it has been necessary to make some adjustments to our taxation measures.

From 1 January 2006, the Government will reintroduce a land tax threshold.

The threshold will be set at \$330,000 with a marginal rate of 1.7 per cent on the unimproved value of land in excess of \$330,000.

The land tax threshold will be indexed annually.

Mr Speaker,

The Government has responded to community concerns that the changes announced in last year's budget were impacting on small land-holders.

This measure means that about 350,000 people will no longer be required to pay land tax next year.

♦ while a further 50,000 will pay less.

This measure is expected to be revenue neutral over the four-year period.

New South Wales now has the highest threshold exemption of any State in land tax and will continue to have the lowest top marginal rate for land tax in this country.

Mr Speaker,

We will continue to help first home buyers with the most generous stamp duty concessions of any government in Australia.

Our measures have helped more than 41,000 first home buyers into the market in the last 14 months. Vendor duty will remain in place to help fund our first home buyers plan.

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

Dr ANDREW REFSHAUGE: The rate of stamp duty on general insurance will increase to 9 per cent from 1 September this year—a measure that is expected to raise an additional \$120 million in 2005-06, rising to \$185 million by 2008-09.

This brings New South Wales in line with most other States and Territories and back to where we were before the HIH collapse temporarily increased premiums.

It means a policy holder paying an \$800 premium will now pay an additional 59¢ a week.

The exemption from mortgage duty for refinancing will be capped for loans above \$1 million from 1 August this year.

This is expected to raise an additional \$20 million in 2005-06, and \$25 million a year thereafter.

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

[Interruption]

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

Dr ANDREW REFSHAUGE: Honourable members should also remember that this Government's tax measures have reduced the burden of State taxes, and even with these latest adjustments, it is still below the level of 1999.

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

Dr ANDREW REFSHAUGE: Mr Speaker, this budget is the first to be presented according to new International Accounting Standards being introduced in Australia.

These standards result in some technical adjustments to our operating statement and balance sheet.

♦ however they mean no underlying qualitative change in our fiscal position.

More particularly, they will not result in any additional cash expenditure by the Government.

Mr Speaker,

The budget result for 2005-06 will be an operating surplus of \$303 million.

It will be the eleventh budget operating surplus of the Carr Government.

The operating result over the next four years is expected to contribute more than \$2 billion to the State's net worth.

In 1995, the State's net worth amounted to \$70 billion.

It now stands at \$125 billion—the highest of any government in Australia, Commonwealth or State.

As a result of a budgeted cash deficit in 2005-06, underlying general government net debt will rise moderately by around \$490 million during the coming year, but should decline after 2007.

General government net debt—which stood at 7.4 per cent of gross State product in 1995—now stands at 1.1 per cent.

The net financial liabilities of the general government sector—which stood at a massive 20.1 per cent of GSP under the Liberals—have now been reduced to 8.3 per cent of GSP and should further reduce to around 7.6 per cent by 2009 as we provide for superannuation payments.

This means, Mr Speaker, that New South Wales has one of the strongest balance sheets and overall financial positions of any government in Australia—State or Federal—with the notable exception of Queensland.

And Queensland has a better balance sheet only because of the massive subsidies it has received over many decades from New South Wales.

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

Dr ANDREW REFSHAUGE: Mr Speaker, all budget funding to agencies is now tied to a results and services plan.

These plans—and the discipline entailed in framing them—help ensure that agencies are clear about the outcomes they must achieve.

I am grateful to my ministerial colleagues who are assisting me in a systematic review of the priorities and performance of departments and agencies.

This is helping to ensure better agency collaboration and a more efficient use of resources as we seek to cut back on waste and duplication in our government agencies.

Mr Speaker,

The budget I have presented will safeguard and build on the remarkable achievements of the Labor Government over the past 10 years.

With our investment in infrastructure and front-line services, we will be:

- ◆ securing the future of the State's hospitals and health services;
- ◆ strengthening our public transport networks and roads;
- ◆ building new schools;
- ◆ upgrading freight-handling facilities at our ports; and
- ◆ improving electricity generation and water supply.

Yet never neglecting our responsibilities to the needy and disadvantaged:

- ◆ the disabled;
- ◆ the aged;
- ◆ the sick; and
- ◆ children at risk.

All those who look to Labor for support, for security, for a helping hand.

Mr Speaker,

This is a budget that invests in our infrastructure.

It invests in our people.

It invests in our future.

I commend it to the House.

Debate adjourned on motion by Mr Andrew Tink.

FINANCIAL STATEMENTS

Copies of the Budget Speech, the Budget Statement, and the Infrastructure Statement tabled and ordered to be printed.

[Mr Speaker left the chair at 12.42 p.m. The House resumed at 2.15 p.m.]

DEATH OF MR ROBERT BRUCE DUNCAN, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

DEATH OF MR JAMES LAWRENCE CURRAN, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: It is with regret that I inform the House of the deaths of the following former members of the Legislative Assembly: On 7 May 2005 of Robert Bruce Duncan, who represented the electorate of Lismore from 1 May 1965 to 22 February 1988, and on 18 May 2005 of James Lawrence Curran, who represented the electorate of Castlereagh from 23 February 1980 to 28 August 1981. On behalf of the House I have extended to the families the deep sympathy of the Legislative Assembly in the loss sustained.

Members and officers of the House stood in their places.

ADMINISTRATION OF THE GOVERNMENT

Mr SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
19 May 2005

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 19 May 2005.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Sentencing Procedure) Amendment (Existing Life Sentences) Bill
Crimes Amendment (Grievous Bodily Harm) Bill
Criminal Procedure Amendment (Evidence) Bill
Civil Liability Amendment (Food Donations) Bill
Electricity Supply Amendment Bill
Energy Administration Amendment (Water and Energy Savings) Bill
Environmental Planning and Assessment Amendment (Development Contributions) Bill
Photo Card Bill
Prisoners (Interstate Transfer) Amendment Bill.

ENERGY ADMINISTRATION AMENDMENT (WATER AND ENERGY SAVINGS) BILL'

CIVIL LIABILITY AMENDMENT (FOOD DONATIONS) BILL

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (DEVELOPMENT CONTRIBUTIONS) BILL

PRISONERS (INTERSTATE TRANSFER) AMENDMENT BILL

CRIMES (SENTENCING PROCEDURE) AMENDMENT (EXISTING LIFE SENTENCES) BILL

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

BUSINESS OF THE HOUSE**Routine of Business**

[During notices of motions]

Mr SPEAKER: Order! I call the Leader of the Opposition to order. I direct Government members who are holding up newspaper reports to place them out of sight. I particularly draw the attention of the honourable member for Murray-Darling to that direction and call him to order.

Later,

Mr SPEAKER: Order! The Leader of the Opposition will stop calling out insulting remarks.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the report entitled "Auditor-General's Report—Financial Audits—Volume Two 2005".

LEGISLATION REVIEW COMMITTEE**Report**

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 6 of 2005," dated 23 May 2005.

PETITIONS**Alstonville Bypass**

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

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mrs Judy Hopwood**, **Mr Malcolm Kerr**, **Mr Steven Pringle** and **Mr Andrew Tink**.

Government Cleaning Contracts

Petition opposing the proposed changes to government cleaning contracts, received from **Mr Steve Cansdell**.

Somersby Fields Sandmining

Petition opposing the proposal for the Somersby Fields sandmining project, received from **Ms Marie Andrews**.

Kurnell Sandmining

Petition opposing sandmining on the Kurnell Peninsula, received from **Mr Barry Collier**.

Specialty Coal Pty Ltd Mining Proposal

Petition opposing the proposal by Specialty Coal Pty Ltd to mine coal and transport it by truck along the roads of Singleton, received from **Mr Kerry Hickey**.

Bungonia Quarry Construction Application

Petition opposing the application to construct a quarry at Ardmore Park, Bungonia, received from **Ms Katrina Hodgkinson**.

Anti-Discrimination (Religious Tolerance) Legislation

Petitions opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Mr Peter Black, Mr John Brogden, Mr Robert Oakeshott, Mr Paul Pearce, Mr Anthony Roberts** and **Mr Andrew Tink**.

Lake Macquarie Clean-up Funding

Petition requesting funding for continuation of the clean-up of Lake Macquarie, received from **Mr John Mills**.

Yamba Policing

Petition requesting an increase in police numbers for Yamba, received from **Mr Steve Cansdell**.

Chatswood Community Health Centre

Petition requesting that the Chatswood Community Health Centre be renovated and retained, received from **Ms Gladys Berejiklian**.

Breast Screening Funding

Petition requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell**.

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**.

Yass District Hospital

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

F6 Corridor Community Use

Petition noting the decision of the Minister for Roads, gazetted in February 2003, to abandon the construction of any freeway or motorway in the F6 corridor, and requesting preservation of the corridor for open space, community use and public transport, received from **Mr Barry Collier**.

F6 Corridor

Petition requesting the reinstatement of the F6 corridor for the future road needs of Sydney, received from **Mr Malcolm Kerr**.

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, received from **Ms Katrina Hodgkinson**.

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**.

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 Overpass

Petition requesting the construction of an overpass for the Pacific Highway at the Tea Gardens-Hawks Nest intersection, received from **Mr John Turner**.

Forster-Tuncurry Cycleways

Petition requesting the building of cycleways in the Forster-Tuncurry area, received from **Mr John Turner**.

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 Steve Cansdell**.

Southern Tablelands Rail Services

Petition opposing any reduction in rail services on the Southern Tablelands line, received from **Ms Katrina Hodgkinson**.

Pets on Public Transport

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

Murwillumbah to Casino Rail Service

Petition requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Neville Newell**.

Macdonald River Signage

Petition requesting that the Macdonald River be provided with signage stating "4 or 8 knots, no skiing, no wash", received from **Mr Steven Pringle**.

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**.

Hawkesbury Electorate Sewerage

Petition praying that funding be provided to construct a reticulated sewerage system for Agnes Banks, Freemans Reach, Glossodia and Wilberforce, received from **Mr Steven Pringle**.

Tweed Shire Council Inquiry

Petition requesting the immediate cessation of the public inquiry into the Tweed Shire Council, received from **Mr Andrew Fraser**.

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**.

Water-Access-Only Property Policy

Petition requesting a review of the water-access-only property policy, received from **Mrs Judy Hopwood**.

Great Lakes Council Rate Structure

Petition opposing a 30 per cent rate increase proposed by Great Lakes Council, received from **Mr John Turner**.

Business Enterprise Centres

Petition requesting the reinstatement and funding of business enterprise centres, received from **Mr Steve Cansdell**.

Mount Kembla Aboveground Stone Crusher

Petition opposing the construction by BHP Billiton of an aboveground stone crusher at Mount Kembla, received from **Ms Marianne Saliba**.

Public Housing Tenants Rights

Petition requesting amendments to the Residential Tenancies Amendment (Public Housing) Act to provide public tenants with the same rights as other tenants and to protect their security of tenure, received from **Ms Clover Moore**.

QUESTIONS WITHOUT NOTICE

INVESTMENT PROPERTY TAX

Mr JOHN BROGDEN: My question without notice is directed to the Treasurer. Now that he has admitted that his mum and dad land taxes were a mistake, why will he not now admit that the 2.25 per cent vendor duty is also a mistake, and abolish it immediately?

Dr ANDREW REFSHAUGE: There is no doubt that the vendor duty pays for first home buyers to get into their first home. First home buyers deserve a break. We now have 41,000 first home buyers who are getting into their homes since we brought in this change, and they are supported by the vendor duty. The Opposition wants to get rid of the vendor duty. If the opposition members want to get rid of it, they will either have to find another \$350 million, which will put taxes up, or they will rat on first home buyers. We have backed first home buyers every step of the way, as we should, to get them into the Sydney property market.

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

Dr ANDREW REFSHAUGE: Although many people have given their opinion about what is happening with the property market and vendor duty, one can see clearly that the only reason we find a downturn in the property market is that interest rates are going up. Every time interest rates go up, one then finds a downturn in the property market. We have tracked the housing finance month by month on a year-by-year basis to see what happens. Every time interest rates go up, housing finance falls. Comparing New South Wales with the rest of Australia—we are always a bit ahead of the rest of Australia—we go into the housing boom first and we come out of it first. When one superimposes on that the vendor duty, it makes no difference at all; the rates are all going down at the same rate and all going up at the same rate. On top of that, I think it is fair to say that when a few people make money at the end of an investment, when they get a profit—half of which of course is paid by John Howard because it comes off as capital gains—I would prefer to give a benefit to first home buyers; I would prefer to get the young people into the housing property market.

Mr SPEAKER: Order! It is almost impossible to hear the Treasurer because of the noise in the Chamber. I have already called a number of members to order. I warn all members that I will add those calls to the calls I made during the presentation of the Budget Speech. The Treasurer has the call.

Dr ANDREW REFSHAUGE: I thought we ought to do an update on the share game. Remember the old Southern Highlands share game? We have five celebrities—Paul Mulready, Jone Armstrong, Penny George, Cameron Sutton and Peta Seaton.

Mr John Brogden: Point of order: My point of order is relevance. I asked the Treasurer about the vendor duty. He promised to cut the vendor duty in January, but he has done nothing. You are a tired, old, fledgling Treasurer, Andrew!

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. I acknowledge that he has raised a matter of relevance. However, he has blotted his copybook by his behaviour when he took the point of order.

Dr ANDREW REFSHAUGE: They ought to make the honourable member for Southern Highlands more relevant. They ought to bring her up here to this end of the Chamber and give her some credibility. Remember the share game? Remember they were all given five grand to see what would happen? Well, we have had a bit of a downturn. If the honourable member for Southern Highlands had been investing the State's budget, by now she would have lost \$5.7 billion. That represents the budgets of Police, the Department of Community Services, TAFE and Emergency Services. But she has got room for improvement.

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

Dr ANDREW REFSHAUGE: Out of the 10 in that share game, she is coming tenth! But we hope she will do better. And as she does, she should come up to this end of the Chamber. Members opposite should move aside and get her up here. We think that should happen.

STATE BUDGET

Mr MATT BROWN: My question without notice is addressed to the Premier. What is his response to the community reaction to the Treasurer's budget delivered earlier today?

Mr BOB CARR: I think enormously positive. Take the issue, for example, of government debt. I always think that is a key fiscal indicator. Under the last Coalition Government—remember John Fahey? No. That is all right; there is no reason to remember him.

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

Mr BOB CARR: Under the last Coalition Government, debt was 7.4 per cent of the gross State product. Today it stands at 1.1 per cent. Good management means that when you pay off the mortgage you can borrow for extensions. All goes into infrastructure for the people of New South Wales.

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

Mr BOB CARR: Every day \$24 million goes into infrastructure; in other words, \$1 million an hour goes into building for the future. We make no apologies for being the builders and investing wisely to build for the future.

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

Mr BOB CARR: The honourable member for North Shore defames public schools every chance she gets. The principal of one of the schools she defamed objects to what she said.

Mrs Jillian Skinner: Point of order: I draw to your notice the fact that the Premier is flaunting your previous ruling about the use of props, which are inaccurate in any event because they are based on figures provided by the Department of Education and Training.

Mr SPEAKER: Order! There is no point of order. The honourable member for North Shore will resume her seat. The Premier has the call.

Mr BOB CARR: I am disturbed that the honourable member for North Shore would even allege something like that, implying that I show no respect for that fine institution. I have never done that, and I never will do that.

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

Mr BOB CARR: There will be a record \$8.2 billion outlay on infrastructure in 2005-06, a 15 per cent increase on last year. The honourable member for North Shore keeps hitting me with interjections like, "Where is the money for schools?" We will come to that in a moment. In the meantime, Judy Rowling of a local parents and citizens association had this to say about what the honourable member for North Shore alleged against her

school: "I wish Ms Skinner had checked our progress before she labelled us a shabby school, because we are not. We all think that Bonnett Bay Public School is simply the best." When the Opposition attacked Concord High School for alleged maintenance failures it had to be corrected in the newspaper with Concord High School saying they had been rectified.

There is \$404 million extra for schools and education in this budget. And let us not forget TAFE. When the Federal Government was looking at a ruthless program for cutting our funding for TAFE we found places for another 13,000 to meet the skills shortages. Public servants are taking a keen interest in this budget—and why would they not, given the Opposition's allegations? The honourable member for Southern Highlands deserves a lot of credit for being a first-class thinker, that is, as an archaeologist; her credentials as an archaeologist are absolutely unimpeachable. But the advice she recently gave the Leader of the Opposition on public sector employment trends is absolutely wrong and ill-researched.

Mr John Brogden: Point of order: The Premier notes the shadow Treasurer's occupation. A person would have to be an archaeologist to find money from this Government.

Mr SPEAKER: Order! There is no point of order. I call the Leader of the Opposition to order.

Mr BOB CARR: On 16 May the Leader of the Opposition said that between 2000 and 2004 there was an increase of 27,000 in the number of bureaucrats. He said that by sacking them there would be a saving of \$1.5 billion. My source is 2GB news at 11.00 a.m. on Sunday 15 May and the *Australian Financial Review* on 16 May.

Mr John Brogden: The ABS [Australian Bureau of Statistics]?

Mr BOB CARR: We have checked with the ABS and the figures the Leader of the Opposition has put forward for State public servants include all the employees of universities in New South Wales. The Leader of the Opposition is passing off these public servants as employees of the State when 100 per cent of funding for universities comes from the Commonwealth. If one excludes the extra nurses, the extra teachers and the extra police—and we make no apologies for recruiting them and getting them on the job—public servant numbers in the period 2000 to 2004 have increased not by 27,000 but by 500.

The Leader of the Opposition is advised by the shadow Treasurer and that is where he gets his figures. The shadow Treasurer is still relegated down the far end of the Chamber. When the House last sat I demanded that she be brought up here. I said it was my last territorial plan for the Opposition. The Leader of the Opposition claims we have increased frontline police by 1,100 over the past four years. He is wrong; it is actually 1,500, and that is terrific news. He claims that we have gained 104 extra teachers and we stand condemned for that. The condemnation should run deeper. We have recruited 3,100 extra teachers because we are bringing down class sizes in the elementary schooling and literacy is going up even further.

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

Mr BOB CARR: He claims we have added—oh, shame, oh, horror—135 nurses to the employment lists in New South Wales. The condemnation should run stronger because we have added nearly 3,000 nurses to employment lists in New South Wales. The Leader of the Opposition was advised by the shadow Treasurer to condemn us because public sector employment had blown out by an alleged 27,000 between 2000 and 2004. In that assessment the Leader of the Opposition has included all the employees of every university in the State—and they are not employed by the State. He has also got his other figures wrong. Excluding those front-line personnel there has been an increase of only 500. So the claim of the Leader of the Opposition to produce savings of \$1.5 billion is based on that utterly wrong calculation.

I hope when he is fighting the extreme right wing takeover of the New South Wales Liberal Party that his numbers are a bit more accurate than that. There are no fewer than 11 of his members of Parliament under preselection threat because he as leader will not stand up to the fundamentalist, extremist, far right-wing group taking over the New South Wales Liberal party. I will be forced, I fear, to write to every public servant in New South Wales alerting them—and it will be the first time it has ever been done—to the policy commitment by the Leader of the Opposition.

WATER SUPPLY

Mr ANDREW STONER: My question without notice is directed to the Treasurer. Given that the Treasurer is increasing borrowing by \$10 billion over the next five years, why has the Government failed to solve the water supply crises in Sydney and other parts of New South Wales?

Dr ANDREW REFSHAUGE: I direct the Leader of The Nationals to the answer given by the Federal Treasurer: It needs to rain in the right place. I know I am having a fight with the Federal Treasurer; it is nice to know he is having a fight with the Federal Treasurer too.

[Interruption]

It is nice to know that on one thing the Leader of The Nationals is joining sides with us. Maybe he could join sides with us on the GST. As we have announced, we are investigating the need for desalination. There has been no secret about that.

Mr John Brogden: Where is the money for it?

Dr ANDREW REFSHAUGE: It does not need to be in this budget.

Mr John Brogden: You have no plans.

Dr ANDREW REFSHAUGE: We do have plans. We have a Metropolitan Water Plan, which this budget is delivering on.

Mr SPEAKER: Order! I again remind the Leader of the Opposition that this is question time; it is not a debate. He should stop constantly hollering out from his position on the front bench and have due regard to the standing orders and procedures of this House. Other members must abide by them. The Leader of the Opposition should lead by example and abide by them also.

Dr ANDREW REFSHAUGE: As I said, we are still investigating what sort of desalination we would need. I remind the House that I have just announced \$409 million for Sydney Water to upgrade their infrastructure, including a \$170 million increase from last year's budget to pay for the metropolitan water plan, which involves deep water access for Warragamba and Nepean and also the bringing of water to the Shoalhaven. These are practical plans to deliver water to Sydney.

Mr SPEAKER: Order! The Attorney General will come to order.

Dr ANDREW REFSHAUGE: Talk to Peter Costello because that was his answer. I am delighted the Leader of the Opposition does not agree with Peter Costello because we are doing things that he will not fund.

PUBLIC TRANSPORT INFRASTRUCTURE

Ms MARIE ANDREWS: My question without notice is directed to the Minister for Transport. What is the latest information on Government investment in public transport infrastructure?

Mr JOHN WATKINS: I am pleased to inform the House that the Carr Government's eleventh budget provides \$3.01 billion for public transport in the coming financial year. That is an increase of \$340 million on last year's budget—\$340 million more this coming financial year than last year. From this \$3 billion, an unprecedented \$2.02 billion is being set aside for improvements to our rail system—that is \$250 million more than the previous year. Passengers have been very patient through recent tough times but we are working on improvements to safety, reliability, cleanliness and comfort for our rail passengers. We will provide major upgrades to infrastructure, technology, vehicles, equipment and rolling stock. We will invest \$97.5 million to continue the clearways program to untangle CityRail's complex network—that is 14 separate CityRail lines will be simplified down to five. This plan for clearways represents an investment of \$1 billion and will be completed by 2010.

Projects in the coming year as part of that clearways program include Bondi Junction, Berowra, Hornsby, Homebush, Lidcombe, Revesby, duplication of the Cronulla line, and expansion of the Macdonaldtown train stabling facility. We are also spending record amounts on improving our train fleet, including \$142 million this year for 122 new outer-suburban carriages; \$21 million for 14 Hunter Valley diesel rail cars, \$9 million for the continued refurbishment of the XPT trains; \$14.3 million for improved vigilance safety controls; \$2.6 million for better on-board communications; \$5 million to investigate replacement of the train radio network; and \$17.1 million this coming financial year as part of the public-private partnerships to build 498 new train carriages.

We will also fund rail infrastructure and station upgrades worth \$253.3 million in the 2005-06 financial year. This means that new stations and easy access upgrades will be included in Auburn, Belmore, Bomaderry, Bowral, Carlton, Eastwood, Kingswood, Meadowbank, Merrylands, North Wollongong, Penshurst, Seven Hills, Turramurra and Werrington. The new record transport budget will allow easy access programs to continue at the following stations: Gymea, Gordon, Thirroul, Kingsgrove, Blaxland, Helensburgh, Bulli, Lakemba, Mortdale and Granville.

Other major infrastructure spending includes \$434 million for the continuing work on the \$2 billion Epping to Chatswood rail line and \$138.8 million for further construction of the Parramatta and Chatswood rail interchanges. There is \$110 million to maintain the country rail network, \$74 million for upgrades on network equipment, \$7 million for enhanced station passenger information systems to improve communications with commuters, \$15.5 million for re-signalling on the Illawarra line between Oatley and Cronulla, \$13.4 million for investigation into major upgrades at North Sydney and Town Hall railway stations and \$10.5 million for the upgrade of Rhodes railway station. The increased spending in rail is a 14.5 per cent increase over last year—a substantial amount of money in anyone's terms.

I can also advise the House that we are increasing our spending on buses by \$19.4 million to \$257 million recurrent and \$83.7 million in capital. State Transit Authority passengers will benefit from 79 new high-capacity buses and 45 standard new buses for the Sydney and Newcastle networks, worth \$60.1 million this upcoming year. Workshop modifications and upgrades to depot facilities worth more than \$15 million will provide more efficient operations and safer facilities for State Transit staff. Recurrent funding for Sydney Ferries is \$32.7 million in 2005-06. Sydney Ferries also has a \$5.8 million capital works program, which includes system upgrades to all 31 of Sydney Ferries vessels, security upgrades on our vessels, passenger facilities upgrades, wharf refurbishment at the Balmain maintenance shipyard and a liquid handling system upgrade at the Balmain shipyard.

The Carr Government is also committed to providing special transport facilities for those who may have no other options due to disability, age or isolation. We are again supporting the School Student Transport Scheme. This coming year \$498 million is being provided to eligible students to get them to and from school for free and another \$139 million will deliver a wide range of concessions and subsidies across the transport sector, ensuring that those sections of the community in most need will have access to work, health and welfare facilities. This coming year \$65.3 million is provided to pay for the continued development of the Tcard—that is the integrated ticketing system—for all public transport operators across the greater Sydney metropolitan region.

Safety is our highest priority for the New South Wales transport system. That is why we will support the work of the Independent Safety Reliability Regulator [ISRR], with funding of \$17.4 million. This budget will ensure that ISRR continues its works on safety regulation, investigations into incidents and the provision of independent advice to the Government and the community about service reliability and compliance of all transport operators. Its major focus this coming year will be monitoring and reporting on the implementations of the Waterfall recommendations. This \$3 billion investment in public transport is what the community of New South Wales asked for and it is what they deserve. This Government is committed to improving public transport for all citizens of this State, wherever they live. This allocation of \$3 billion will greatly improve the experiences of millions of commuters who rely on our public transport system every day.

Mr SPEAKER: Order! Government members will come to order.

INSURANCE TAXES INCREASE

Ms PETA SEATON: My question without notice is directed to the Treasurer. Given that New South Wales is the highest taxed State in Australia, how can he justify slugging families with tax increases on household, travel, mortgage and public liability insurance?

Dr ANDREW REFSHAUGE: I thank the honourable member for her question. It is nice to see that the shadow Treasurer is getting a chance to ask a question.

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

Dr ANDREW REFSHAUGE: It would be nice if she were seated at this end of the Chamber where she would be seen as respected by her peers; one worries about how they view the role of the shadow Treasurer in seating her at the other end of the Chamber. Honourable members may remember that in 2000-01 when HHH

collapsed there was a massive problem with insurance in this State and, in fact, around the country. In fact, there was the likelihood that people would not be able to get insurance coverage for a whole range of public liability and medical indemnity insurance. Even workers compensation was causing problems, and there was a potential problem with green slips. There is no doubt that we, as a Government, went further than any other jurisdiction to have real tort law reform. We brought in changes that have led to a reduction of 50 per cent in the number of civil cases over the last year. This 50 per cent reduction in mostly civil liability cases was the direct result of our tort law reform.

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

Ms Peta Seaton: Point of order: The question was why is the Treasurer slugging families with additional taxes when we are already the highest-taxed State in Australia.

Mr SPEAKER: Order! The Treasurer is answering the question. There is no point of order.

Dr ANDREW REFSHAUGE: Because it was hard to get a lot of insurance at that time, we decided we should reduce our rate of stamp duty on insurance from 10 per cent to 5 per cent. No other State did that. We did it because we knew at that stage that it was very difficult to get a whole range of necessary insurance and professional liability for everyday activities. Also, with that tort law reform we significantly reduced green slip costs and made medical indemnity insurance, workers compensation and public liability much more viable.

Mr John Brogden: Point of order: Once again, my point is relevance. You introduced the insurance protection tax at \$69 million a year—

Mr SPEAKER: Order! I remind the Leader of the Opposition again that this is not a debate. He will resume his seat. The Treasurer has the call.

Dr ANDREW REFSHAUGE: As a result, we believe it is fair that our stamp duty on insurance should be pretty much the same as other States so we are competitive. All the other States have a stamp duty of around 9 per cent or 10 per cent. Tasmania is 7.8 per cent, Queensland is 8 per cent and Victoria is at 9 per cent, the same as us. I believe that insurance companies should pay for the work we have done out of their profits. We have done the hard yards to reduce their costs. We have brought in tort law reform so there is a viable insurance industry.

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

Dr ANDREW REFSHAUGE: We have reduced the cost of green slips. We have made medical indemnity insurance possible. I think it is fair enough that the insurance companies should provide some relief with this. If they do not, someone paying a premium of \$800 will pay about 59¢ a week extra. Comparing the tax revenue per capita that this State receives with the revenue of every other State, we are the second-lowest receiver of tax revenues. The reason is that we are giving so much money in GST to Canberra and not getting our fair share back. If we got our fair share we would not be subsidising petrol in Queensland and we could reduce our taxes here. Members of the Opposition will not even join us on that. As I say, we receive the second-lowest rate of tax revenue of all States, and unless the Commonwealth restores our revenue to what we received under Greiner it will stay so.

HEALTH BUDGET

Ms TANYA GADIEL: My question without notice is to the Minister for Health. What is the latest information on government investment in the New South Wales health system?

Mr MORRIS IEMMA: In two words: A record! \$10.9 billion! The interesting thing is that this is two weeks after the Commonwealth budget, which gave not one extra dollar for our public hospitals. The Commonwealth budget gave no funding to open even one extra bed in a public hospital, no extra funding for even one extra hip replacement, no extra funding to recruit even one extra nurse or one extra doctor. That is the comparison. Today the Treasurer brought down a State budget which provides an all-time record in health investment in New South Wales—\$10.9 billion, a 9 per cent increase, \$900 million extra in one year. The Commonwealth budget gave not one extra dollar for our public hospitals. The State budget funds more than 800 extra beds over the next 12 months, and the Commonwealth budget did not fund one extra bed.

The Opposition has uttered not one word in support of the State health budget. Indeed, the opening words of the Leader of the Opposition were that it was disgraceful and irresponsible. He says it is irresponsible to invest in health, irresponsible to provide the biggest health budget ever, irresponsible to provide for the single biggest increase in health funding in one year ever. The Opposition's response is that that is irresponsible. What was irresponsible was the Commonwealth budget two weeks ago, which gave not one dollar for one extra bed, one extra nurse or doctor, or one extra knee, hip replacement or cataract operation.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order. I call the honourable member for Gosford to order for the second time.

Mr MORRIS IEMMA: The State health budget increases funding by \$900 million. Where were members of the Opposition two weeks ago? They were silent; they were saying nothing. All they can do is carp and criticise a \$900 million increase, a 9 per cent increase, in one year. They said not one word two weeks ago when there was not one cent from the Commonwealth for their public hospitals. And today they criticise a 9 per cent increase. That is what is irresponsible—negligent would be a better word.

The State budget provides for a massive increase in front-line health services right across the State—\$227 million for more than 800 beds; \$25 million for the biggest increase in critical care resources ever; 20 extra adult intensive care beds—double the previous biggest increase. That is the commitment on our part. Anyone looking for any commitment on critical care, intensive care or emergency services in the Commonwealth budget will be looking for a long time. There was nothing, not one cent. It is a joint responsibility. According to the health care agreement it is a shared responsibility. Members opposite should not try to argue that it is exclusively our responsibility. In the face of an ever-increasing number of patients requiring admission to public hospitals for emergency surgery, and the ever-increasing demands on our hospitals for elective surgery, this budget further expands elective surgery with a cumulative increase of \$115 million.

Mr Steve Cansdell: Where are the operating theatres?

Mr MORRIS IEMMA: The honourable member should look at the budget papers. I cannot do it for him. The package is in a room on level 8. In Budget Paper No. 4, which comes after 3, he will find the information he is looking for. I cannot do it all for him, he will have to do some on his own. The honourable member should look at Budget Paper No. 4. That is the capital works budget, and there is an item there called "Planning". I might have to point it out for you. Come and see me after question time.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr MORRIS IEMMA: The \$115 million cumulative increase in funding is backed by 100 quarantined beds for elective surgery, that is, 100 beds set aside in short-stay elective surgery units, or, as they are called, 23-hour wards. These 23-hour wards, which are being set up in our major hospitals, will be supported with quarantined beds for elective surgery. That will happen over the next 12 months as a result of this budget. This initiative will further enhance the ability to plan and carry out elective surgery and continue the trend established in recent months that has seen the long wait list for patients, as well as the overall list, decline.

The budget includes significant enhancements for a range of specialised health services. It provides the latest instalment in the Government's determined effort to improve the quality of mental health services. This budget provides an all time record mental health budget of \$854 million to expand the range of services in mental health. This allocation represents an increase of \$71 million, or 9.1 per cent. Included in the mental health initiatives is funding to make the psychiatric emergency care units at Liverpool and Nepean hospitals permanent, to provide for the expansion of this model of care into St George, St Vincent's and Hornsby hospitals, and to extend the psychiatric emergency care units into a further four of our major hospitals. Further, the Government will commit nearly half of the enhancements to community-based mental health services.

An additional \$22 million in new funding will support further initiatives to boost support in the home and reduce the need for acute services. These initiatives will focus on community rehabilitation services, mental health support for older people, dual diagnosis, early intervention services for young people aged 16 to 25 who are struggling with substance abuse and are at risk of homelessness, and adolescent mental health, particularly young people who come into contact with the juvenile justice system. As to specialised services, the budget provides assistance for New South Wales burns clinicians, who are recognised as leaders in their field. We are proud of them and we are backing them with additional resources. Specialised statewide burns services will be boosted by an additional \$2.2 million for the units at Royal North Shore and Concord hospitals.

Mr Barry O'Farrell: Finally!

Mr MORRIS IEMMA: Actually, we are bringing it forward from 2011. This additional funding will enable us to bring forward the commissioning of dedicated burns theatres at Royal North Shore and Concord hospitals. These units will be supported with an additional \$1 million in new and specialised equipment. The New South Wales Ambulance Service will receive a boost with an additional 100 officers and 22 ambulance vehicles this financial year.

Mr Adrian Piccoli: Hospitals?

Mr MORRIS IEMMA: Go to Budget Paper No. 4. I can also report a record capital works budget of \$649 million, which includes \$5.26 million towards the refurbishment and expansion of the high dependency unit and the 23-hour ward and day surgery units at Royal North Shore Hospital, \$2 million to upgrade sterilising equipment and theatre facilities at St George Hospital, \$800,000 for the redevelopment of the intensive care unit at Armidale hospital, \$1.5 million for the reconfiguration of services across Blacktown and Mount Druitt hospital, and \$840,000 for the Gunnedah ambulance station. This is the Government's latest record investment in health services.

INVESTMENT PROPERTY TAX

Mr MALCOLM KERR: My question without notice is directed to the Treasurer. Considering the Government's unfair land tax reaped \$143 million more than budgeted for, will he now use the windfall to refund first-time mum and dad property investors for tax they should never have paid in the first place?

Dr ANDREW REFSHAUGE: The honourable member for Cronulla should be worried about his preselection. The numbers are working against him. The answer to the question is no.

Mr Malcolm Kerr: Point of order: There is no relevance in the answer.

Mr SPEAKER: Order! The Treasurer has given an emphatic answer.

POLICE BUDGET

Ms MARIANNE SALIBA: My question without notice is addressed to the Minister for Police. What is the latest information on government investment and support for policing in New South Wales?

Mr CARL SCULLY: What a great budget for Police! Fantastic! Never before has so much been spent on Police, certainly not when those characters on the other side were in government. The Police budget has received \$128 million more than it did last year. Let me take the House through some of the Government's initiatives, which I am sure the Opposition would like to hear about. Nearly \$3 million has been allocated to replace the helicopter Polair One, which has done 25 years of policing work.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr CARL SCULLY: The budget provides for six new police stations. Do not let it be said that this Government governs only for part of the population. We are a government for all of the people of New South Wales. There will be new police stations at Campsie, Dubbo, Fairfield, Lismore, Orange and Wagga Wagga. A total of \$76.1 million has been allocated for capital works projects, and a large component of that is for new police stations. This Government has 3,000 more police officers on the front line than the Opposition had when it was in government. That is 3,000 reasons why the people of New South Wales would want this Government running Police rather than those characters on the other side. I will go through some of the initiatives the Government has undertaken in this budget, which show our commitment to rural and regional New South Wales. Funding of \$5.3 million has been allocated for a new police station in Armidale, \$4.8 million for a new police station at Muswellbrook, and \$3.4 million for a new police station at Griffith.

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

Mr CARL SCULLY: I will take The Nationals up on their invitation. I want the red carpet treatment that only The Nationals can provide. There is \$2.4 million in the budget to finalise upgrades at Goulburn Police College, \$7.5 million for the upgrade of cells in police stations across New South Wales, and \$200,000 for a

new police station at Thirroul. The good news for regional and rural New South Wales is the number of police officers we have in country areas: 4,740 police officers. That is an enormous commitment by this Government to the proper management of law and order in the bush. Ken Moroney emphasised to the Premier, to my predecessor and to me that he wanted the Government to support his commitment to the establishment of a forensic science centre. The Treasurer and the Premier have supported that commitment with a significant allocation of funds, \$4.7 million, in this year's budget. I am able to inform the House that police will have their very own crime scene investigation centre out in Western Sydney to enable them to catch criminals, conduct DNA analysis, and provide courts with the evidence that is needed to lock up criminals.

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

Mr CARL SCULLY: The Government has also given a commitment to engage 147 scene-of-crime investigators to join the 345 existing forensic officers, \$3.5 million to maintain existing forensic equipment, and \$500,000 for the Chemical Drugs Intelligence Unit. This will also enable a forensics rapid response squad to provide more immediate and increased forensics support at crime scenes. One of the things this Government has done, which the Opposition did not do, has been to provide police officers with a decent death and disability scheme.

[Interruption]

Well, you abolished it. What happened to Darnick station?

Mr Barry O'Farrell: Point of order: The Unsworth Government abolished it, Carl! Get your facts right.

Mr SPEAKER: Order! There is no point of order. The Deputy Leader of the Opposition will resume his seat.

Mr CARL SCULLY: The Opposition had seven years to deal with it. The honourable member was chief of staff to a senior Minister. It was not introduced by the Coalition during seven years in office. We have responded to the Police Association's call. Police officers want a reassurance that when they go to work, and run the risk of being killed or injured, they and their families will be properly supported, and this budget will provide for that. It will cost a significant number of millions of dollars each year. Over the next four years this Government will provide \$105 million to do it.

I will not detain the House at length, but honourable members will be hearing about a number of technological aids that I believe the police require, including automatic numberplate recognition, a new COPS system, court-linked data exchange, in-car mobile terminals, which this Government has been introducing, and new equipment for the digital and encryption reporting of their radio systems. This Government is supporting a well-paid, well-resourced police service, and it is providing officers in the field with the technology they require. What a great budget for policing!

DROUGHT ASSISTANCE

Ms KATRINA HODGKINSON: My question without notice is directed to the Treasurer. Given the worsening drought affecting almost 90 per cent of the State, why has he offered no new assistance to farmers and their communities, and instead cut the Primary Industries budget?

Dr ANDREW REFSHAUGE: We have not cut our assistance to farmers; in fact, we have expanded it. The Minister for Primary Industries met with farmers recently and not only promised that there would be funding for them, but also reinstituted support for bringing stock to slaughter over the winter period—which had, with their agreement, been cut out. The Minister agreed to reinstate that. In respect of the fees for water licences for the Lachlan, because there has effectively been no water, the Government has waived fees of \$4 million for those farmers. I have stated clearly that if this drought continues, so will our support. We will stay there with the farmers throughout this drought.

Mr Ian Armstrong: Point of order: The Minister for Primary Industries said nothing about a fund—

Mr SPEAKER: Order! There is no point of order. The honourable member for Lachlan will resume his seat.

Ms KATRINA HODGKINSON: I ask the Treasurer a supplementary question. In light of his answer, where are the drought support workers? Where are the extra 50 drought support workers that we need to help the farmers through this drought? Where is the pipeline for Goulburn, to help it through the drought? Where is the assistance for farmers? The Minister has not answered the question!

Mr Carl Scully: Point of order: Clearly, that is not a supplementary question.

Mr SPEAKER: Order! The Treasurer has answered the question.

DEPARTMENT OF COMMUNITY SERVICES BUDGET

Mr JOHN PRICE: My question without notice is directed to the Minister for Community Services. What is the latest information on government investment to support community services in New South Wales?

Ms REBA MEAGHER: Never before has a government invested so strongly in the families of New South Wales. The New South Wales Government will spend \$1 billion on families in this budget, an increase of \$110 million on last year. Under the Carr Government, the Community Services budget has increased by more than 190 per cent. This year we are continuing the implementation of our five-year, \$1.2 billion plan to reform the child protection system and develop early intervention programs to support New South Wales families.

The plans include an additional 875 caseworkers and associated professional support staff, more than \$150 million for new early intervention services to help vulnerable families at risk, more than \$600 million for out-of-home care, including foster care, to better support children and young people who cannot live safely at home, and additional support for front-line workers. In 2005-06 our billion-dollar commitment will mean an extra \$16.1 million for 125 new child protection and early intervention caseworkers and professional support staff, an extra \$14 million for early intervention services to assist families with services such as supported playgroups, centre-based childcare, sustained home visiting and parent education, and an extra \$45.5 million for out-of-home care.

Mr Brad Hazzard: Point of order: Having in mind the question, the Minister should answer with relevance as to why it is that her Government is spending less per child abuse report this year than it did last year—\$20 less per child abuse report this year than last year.

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. The Minister's answer is totally in order.

Ms REBA MEAGHER: This budget represents a 12.2 per cent increase for family services in New South Wales.

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

Ms REBA MEAGHER: The hypocrisy of the honourable member opposite is simply astounding.

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

Ms REBA MEAGHER: Let us not forget that he went to the last election with a policy to cut \$700 million from community—

Mr SPEAKER: Order! Government members will come to order.

Mr Brad Hazzard: Point of order: This Minister knows that is a lie.

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

[Interruption]

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

Ms REBA MEAGHER: If the Coalition were in government in New South Wales today, there would be \$700 million less for families, there would be 675 fewer caseworkers, and there would be 20,000 fewer New

South Wales families being supported. This budget represents the largest investment in families by any government. The Carr Government will continue to upgrade our community service centres across the State. Nine sites, including St George, Shellharbour and Broken Hill, will become enhanced service delivery centres over the next year. They will deliver a full range of prevention, early intervention and child protection services, helping to strengthen and protect the families of New South Wales.

During 2005-06 this Government will spend \$265 million to strengthen families, support young people, and build stronger communities. Young people will benefit from this budget through services such as the Youth Action Project in Menai. Last week when I visited that service I was told that the \$400,000 it has received helps it to find employment for youths and encourage them to develop social networks and the skills that will build a future generation of community-minded people.

In regional New South Wales we are working to help parents through transition-to-school projects. A \$147,000 grant for Schools as Community Centres in Buninyong and West Dubbo will help parents prepare their children for the early school years, through play groups, parent information groups and other family activities. Key elements of the Government's reform strategy include prevention and early intervention programs, which will receive a 32 per cent increase in funding this year. In 2005-06 the New South Wales Government will spend \$186 million on programs which seek to help families before their problems escalate.

Support for new mothers is a crucial component of our services for families. For families in the Maitland region, we have provided over \$400,000 to deliver home-visiting services to mothers before and after their babies are born and also into their early years. In the Tweed, we have provided almost \$500,000 for services that work with families in their homes, giving practical support and assistance to help them manage their home environment. Parents from all around the State have told me these are the services that make a real difference to their ability and confidence as parents.

The Carr Government's commitment to supporting families is underpinned by the vital services offered by the New South Wales community sector. Key community groups including Anglicare, Barnardos and the Salvation Army are our community partners; they are working with us to help the families of New South Wales. Over the past year we have provided millions of dollars to these organisations as either direct grants or to deliver services to families, including \$18 million to the Uniting Church Property Trust, \$11.3 million to the St Vincent de Paul Society, \$9.6 million to KU Children's Services, \$8.7 million to Centacare, \$7.9 million to Anglicare, \$6.5 million to Barnardos, \$6 million to the Salvation Army, more than \$800,000 to the Association of Community Welfare Agencies, and more than \$500,000 to the Council of Social Service of New South Wales.

In 2005-06 the Carr Government will provide more than \$625 million to these community organisations and other external service providers. This represents more than half of the budget of the Department of Community Services. These figures demonstrate our true partnership with the community sector. Together we are able to achieve stronger communities and stronger families. This year's record funding of more than \$1 billion will ensure that the Government continues to promote the safety and wellbeing of children, young people and families.

KEMPSEY DISTRICT HOSPITAL STAFF MEMBER CHILD PORNOGRAPHY ALLEGATIONS

Mr MORRIS IEMMA: On 6 May this year I announced an independent investigation, to be undertaken by Ms Chris Ronalds, SC, into the management of a staff member of Kempsey District Hospital who was charged with possession of child pornography. This investigation followed information provided to me late on 5 May alleging that the staff member concerned may not have been subject to an adequate risk assessment and appropriate supervision following the staff member's return to work from leave on 28 February 2005. The inquiry by Ms Ronalds, SC, has now been completed. On 17 May Ms Ronalds provided her report to the Director-General of NSW Health. I now seek leave to table Ms Ronalds' report, which is entitled "Report of an Investigation into Certain Decisions made in Relation to Kempsey Hospital", dated 16 May 2005.

Leave granted.

Report tabled.

I am advised that copies of the report have also been provided to the Ombudsman and the Independent Commission Against Corruption [ICAC] for their consideration. The report identifies inadequacies in the management of this matter within the North Coast Area Health Service. Ms Ronalds found that the area health

service "did not follow the procedures stipulated by the Department of Health in dealing with the allegations that the employee possessed child pornography". These include a failure by the area health service to follow NSW Health procedures for dealing with this type of criminal charge against an employee and a failure to provide timely notification to the office of the Ombudsman as legally required. The investigation has also confirmed that the staff member in question was not subject to a risk assessment before he was allowed to return to work at Kempsey hospital and that the supervision provided once he did return was inadequate. As Ms Ronalds states:

... a formal risk assessment was not undertaken. No action was taken to impose any restrictions on him in a timely fashion, leaving the employee in an unsupervised work environment.

That is contrary to the advice and briefings provided to the director-general and me prior to 5 May. Child protection is an issue of the utmost seriousness, and policies and legislation must be followed meticulously. The inquiry has found that the director of work force development, the area health service's most senior human resources manager, seriously misled the chief executive of the North Coast Area Health Service and the Department of Health by advising that there had in fact been a risk assessment and that adequate supervisory processes were in place. The report found that the officer:

... provided false and misleading information to the Chief Executive and the Department of Health in that he falsely asserted on a number of occasions that he had completed a mandatory risk assessment when he had not and that supervision was occurring when he had not put in place any such arrangements.

As a result of these findings the Director-General of NSW Health has advised me that disciplinary action is under way and that the contract of the work force development director has been terminated. The investigation also identifies that some other staff with human resources responsibilities did not fully pursue their health department policy obligations. I am advised by the area health service that these officers are being requested to respond to these concerns. The terms of reference for Ms Ronalds' investigation required her to consider existing laws, policies and guidelines for the management of charges made against employees of NSW Health. Ms Ronalds concluded that the error in this case did not lie in those laws or policies, stating:

It was not a failure of policies or procedures as there were many pertinent ones in place to guide the decision makers, but the policies and procedures were not consulted or followed.

Rather, the error lay in a failure by the relevant decision makers to consult or follow those policies. Ms Ronalds concluded that if the policies had been followed, the failings revealed in the report would not have occurred. The report has made a number of recommendations designed to address some internal procedural problems in the North Coast Area Health Service. These recommendations include issuing, as a matter of priority, a consolidated policy for management of criminal charges against employees and the immediate implementation of a management system to ensure that required notifications to the Ombudsman are made in a timely manner.

As part of the review process the area health service has written to the parents of all patients who may have been in contact with the staff member concerned and has asked them to contact the director of nursing at Kempsey hospital if they have any concerns about their child's care or treatment. I have also been advised that during the course of the inquiry a former staff member of Kempsey hospital advised that some of the concerns identified by Ms Ronalds had previously been reported to management. As a result, the Director-General of NSW Health has requested that Ms Ronalds extends her inquiry to review these allegations. The area health service has also reported these matters to the ICAC.

Mr ANDREW STONER: I seek leave to respond to the Minister's answer.

Leave not granted.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Japanese Whaling

Mr JOHN BARTLETT (Port Stephens) [3.49 p.m.]: This matter is urgent because it relates to a petition from the people of New South Wales to the Federal Government that can be sent to the International Whaling Commission [IWC] meeting in Ulsan, Korea, next month. We want to send a message that there is in

Australia a body of opinion against whaling and that all Australians are working together to bring pressure to bear on the Japanese. This matter is urgent because it will bring the Commonwealth, the States and local communities together, acting as one, to send a message from all Australians.

State Budget

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.49 p.m.]: There is only one thing more endangered than the whales: the Carr Labor Government. It has been in office for 10 years and has delivered 11 budgets, but the Treasurer has set a record in his first budget. In his inaugural budget he has become the highest-taxing Treasurer in the country and the highest-taxing Treasurer in the history of New South Wales. This motion is urgent because the Government has lied to the people of New South Wales. It is urgent because in January this year the Government, to take off the pressure generated by growing anger in the community over land tax and the vendor duty, told the people of New South Wales, "Don't worry, she'll be right, we'll fix it in the budget". The Government lied because, as we have heard today, there has been an embarrassing backflip from the Treasurer on land tax.

However, there has been no movement on the hated vendor duty. Mum and dad property investors get hardly any relief from the Government when it comes to property taxes. This 2¼ per cent vendor duty is hurting mum and dad property investors and killing the property market in New South Wales. Today we heard rhetoric from the Treasurer when he claimed that the vendor duty is having no negative effect on the property market in New South Wales. What planet does he come from? It is clear that the property industry and workers in the property industry at large know that the vendor duty is punishing employees and property investors. Why else would the Construction, Forestry, Mining and Engineering Union join with the Property Council of Australia and the Real Estate Institute of Australia last week outside this very building to protest against job losses in the property industry, courtesy of the 2¼ per cent vendor duty?

This motion is urgent because the people of New South Wales need to understand that Labor is in favour of the vendor duty and the Liberal-Nationals Coalition is against the vendor duty. A Liberal-Nationals Coalition government will abolish the 2¼ per cent vendor duty. And what about land tax? What an embarrassing backflip for the Carr Government today! The Government got a windfall of \$143 million through land tax. The Opposition's question to the Government is this: Why not give it back to the mums and dads who should never have paid it in the first place? Why not refund that money? But the incompetent and irresponsible budget from the Government refuses to give any of that money back to mum and dad investors who are paying land tax.

My warning to the Government is this: those mums and dads will not forget that the Premier forced upon them an unfair and unnecessary land tax. They will never forget that the Government of this State is the only government that continues to have a 2¼ per cent vendor duty. The other revelations in the budget are that there is no big solution for Sydney's drinking water crisis, and there is nothing in this budget that will make our trains run on time. There is a deafening silence from the Labor Party on those issues. There is talk about reputed record investment in infrastructure, but there is nothing about dealing with Sydney's drinking water crisis. In fact, when asked across the Chamber by the Leader of the Nationals and the shadow Minister for Natural Resources where the money is for the desalination plant, the Treasurer said it does not need to be in this budget.

Mr Alan Ashton: Tell us why it is urgent, or I will take a point of order.

Mr JOHN BROGDEN: If the honourable member for East Hills takes a point of order it will not be the first time today he has risen from his seat with a piece of paper in his hand. We are clear about the urgency of this debate. This is urgent because the Government has also increased insurance taxes. Courtesy of the Premier, families in New South Wales will pay an extra \$50 a year on their insurance policies. I encourage the insurance industry to put an extra line in people's insurance policies to remind them who is making them pay more. This motion is urgent because the public of New South Wales need to know exactly how incompetent and irresponsible this budget is. [*Time expired.*]

Question—That the motion for urgent consideration of the honourable member for Port Stephens be proceeded with—put.

The House divided.

Ayes, 55

Ms Allan	Mr Gaudry	Mr Oakeshott
Mr Amery	Mr Gibson	Mr Orkopoulos
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Barr	Ms Hay	Mr Pearce
Mr Bartlett	Mr Hickey	Mr Price
Ms Beamer	Mr Hunter	Ms Saliba
Mr Black	Mr Iemma	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Miss Burton	Mr Knowles	Mr Torbay
Mr Campbell	Mr Lynch	Mr Tripodi
Mr Collier	Mr McBride	Mr Watkins
Mr Corrigan	Mr McLeay	Mr West
Mr Crittenden	Ms Meagher	Mr Whan
Ms D'Amore	Ms Megarrity	Mr Yeadon
Mr Debus	Mr Mills	
Mr Draper	Mr Morris	<i>Tellers,</i>
Mrs Fardell	Mr Newell	Mr Ashton
Ms Gadiel	Ms Nori	Mr Martin

Noes, 31

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

Pair

Mrs Perry

Mr Merton

Question resolved in the affirmative.**JAPANESE WHALING****Urgent Motion****Mr JOHN BARTLETT** (Port Stephens) [4.01 p.m.]: I move:

That this House supports a community-based New South Wales petition campaign calling on the Federal Government to stop commercial whaling by the Japanese in Australian and Antarctic waters.

Over the past few weeks the honourable member for Kiama, the honourable member for Tweed, the honourable member for Coogee and I have discussed with the Premier the importance of a petition to demonstrate the depth of feeling in the community about attempts by Japan to start harvesting the humpback whale, which travels up and down the New South Wales coastline. The Japanese Government and the people of New South Wales, particularly the community of Port Stephens, are divided on this issue. Obviously, there are cultural and economic differences between us and, indeed, there are differences of opinion over the actions of the International Whaling Commission [IWC].

Since 2001 the New South Wales Government has put on the record its support for the creation of a South Pacific whale sanctuary stretching from the Australian coast to the Pitcairn Islands. There are already two

whale sanctuaries near the Australian mainland. They are the Indian Ocean sanctuary and the Southern Ocean sanctuary. Whale watching and ecotourism have become important to many coastal areas in New South Wales. Indeed, most of the more than 65 whale-watching operators are located in Port Stephens. Hundreds of Sydney and Melbourne families flock to Port Stephens to see the whales; visitors come from all over the world because of the excellent advertising of Port Stephens Tourism.

It is estimated that between 30,000 and 50,000 people now watch whales in Port Stephens. It is difficult to obtain accurate figures because approximately 250,000 people watch dolphins and there is no clear delineation between the two. On 5 September 2001 I referred in the House to a book entitled *Whale Watching 2001—Worldwide Tourism Numbers, Expenditure and Expanding Socioeconomic Benefits* by Erich Hoyt. He said that in 1991 approximately four million people worldwide were whale watching. Since that time the industry has grown tremendously. In 2001 it was estimated that \$1.5 billion was injected into the economies of those countries involved in whale watching. It is one of the fastest-growing industries for coastal towns and cities throughout the world.

Between 1994 and 1998 the number of countries involved in whale watching increased from 65 to 87. Throughout the world 492 communities experience the economic benefits of that industry. That is 200 more than in 1994. Approximately 4.5 million Americans enjoy whale watching and in Canada and the Canary Islands more than one million people enjoy the pastime. In 2001 it was predicted that 400,000 Australians went whale watching. In a recent press release the Prime Minister stated that he suspects that 1.6 million Australian people go whale watching, which brings massive numbers of tourists to coastal communities, Port Stephens being a major beneficiary. I encourage all honourable members to support the petition. All communities should encourage such a measure because it will send a strong message to the IWC that Australians genuinely oppose the Japanese proposal.

Mr Michael Richardson: What is the wording of the petition?

Mr JOHN BARTLETT: I will reiterate for honourable members opposite that the motion states:

That this House supports a community-based New South Wales petition campaign calling on the Federal Government to stop commercial whaling by the Japanese in Australian and Antarctic waters.

Mr Michael Richardson: What does the petition itself say?

Mr JOHN BARTLETT: We do not have that. The International Whaling Commission [IWC] was set up in 1947 by whalers to control whaling so that there would be enough whales to whale. It cannot deal adequately with the growth of whale watching, and at a series of conferences recently people have tried to get whale watching put on the IWC's agenda. At the London conference only one hour out of five days was devoted to discussing whale watching. There are problems with the IWC in that its bylaws state that a member of the IWC that does not like a decision can ignore the decision.

Not only do the Japanese propose to continue to take 400 minke whales a year; they also plan to harvest humpback whales. Some 50 are mentioned in their press releases and the like, but the reality is that it is the thin end of the wedge. Back in 1973, when Australia basically banned whaling along the New South Wales coast, the number of humpback whales had been reduced to between 200 and 300, down from about 20,000 when harvesting first started along the Australian coastline. I was a child in Port Stephens between 1963 and 1973, and I can honestly say that I never saw a whale travelling along the coastline. Some 30 years after the ban on taking whales along the New South Wales coastline, between 3,500 and 4,000 whales migrate from Antarctica along the coast and up to Queensland. That happens every year.

People who go out from Port Stephens on a whale-watching boat have a 97 per cent chance of seeing a whale. The first whale I ever saw was during a whale-watching trip at San Diego in America. It was a huge business back in 1987. Today whale watching in Port Stephens provides a huge economic and employment boost in my electorate. Some 40,000 to 50,000 people go whale watching in winter. That is a crucial part of the case I am pleading today. Tourism in my electorate is big throughout the winter period, but there has been a slump so far this year. A great number of people go out on a six-hour whale cruise, see whales, come back, take accommodation and go out to the local clubs and restaurants. Whale watching generates many jobs.

In Japan, one company with 300 employees is engaged in whale killing for scientific research—those are the company's words—and the sale of whale meat. Worldwide, a massive number of people go whale watching and enjoy it. Indeed, the economic benefits of whale watching to a small community such as Port

Stephens are enormous. Normally tourism is in a slump during winter but that is when the whales migrate. In Japan, one company with 300 employees is promoting its product in schools because these days it is not common place to take whales. I am a regular visitor to Japan and I know that it is not a big issue there to have whale on the menu. My colleagues from Kiama and Coogee will give their perspective on this issue. I ask honourable members to support this urgent motion.

Mr MICHAEL RICHARDSON (The Hills) [4.11 p.m.]: The Opposition joins with Government members in abhorring the proposal by the Japanese to expand whaling in Australian and Antarctic waters. Indeed, in saying that, I am only echoing comments already made by the Federal Minister for the environment, Ian Campbell, and the Prime Minister, John Howard, both of whom have condemned in no uncertain terms what the Japanese Government wants to do. In today's *Daily Telegraph* the Prime Minister is quoted as having warned the Japanese leader Junichiro Koizumi that:

... he faces global condemnation if his country carries out its threat to slaughter humpback whales in Australian waters ...

In his letter, Mr Howard said: "Given that non-lethal methods exist for scientific research, Australia believes that there is no basis for killing whales."

"Whales also bring great delight to the approximately 1.6 million tourists, both domestic and international, who travel to Australia's shores each year to enjoy whale-watching"... "This is clear evidence of the extent of public interest in the continued health and welfare of whales and considerable public concern could be expected, not only in Australia, but across the globe, were whaling to increase."

The proposal by the Japanese is to increase the harvest of minke whales from something like 400 to 800 a year, and to kill humpback whales. As the honourable member for Port Stephens said, humpback whales and Southern right whales migrate up the east coast of Australia every winter and give much pleasure to many people, not only the people of New South Wales and other Australians but visitors to our shores as well. Article 8 of the International Convention for the Regulation of Whaling allows the killing of whales for scientific purposes. The Japanese Government is exploiting that loophole to allow whales to be hunted, killed and eaten.

I understand that turnover in the Japanese whale meat industry is something like \$60 million a year, a commercial result which is far removed from the killing of these magnificent animals for scientific purposes. The Japanese want to get access to humpback whales by overturning the 1986 moratorium on commercial whaling. Japan is seeking to get a two-thirds majority on the International Whaling Commission and would then be able to overturn the 1986 moratorium on commercial whaling. One can imagine the outrage that would generate in this country and internationally. The suggestion is that something like 17,000 minke whales, along with 800 humpback whales and 800 fin whales, would be taken over the next 18 years. That is an enormous number of animals; as the Federal Minister for the environment said, it would be the slaughter of one of the largest and most intelligent creatures on our planet. I am sympathetic to the sentiments outlined by people in New South Wales in relation to the petition campaign they are waging. However, the motion before the House is a little misleading, which is why I move:

That the motion be amended by leaving out the words "a community-based New South Wales petition campaign calling on the Federal Government" with a view to inserting instead "the Federal Government's efforts".

The motion would then read:

That this House supports the Federal Government's efforts to stop commercial whaling by the Japanese in Australian and Antarctic waters.

I move that amendment because unfortunately the Federal Government does not have the authority to stop the Japanese whaling in Antarctic waters. As honourable members know, there is a treaty governing the Antarctic, but the Japanese Government does not recognise Australia's claim over its territory and the waters surrounding its territory. As a consequence, the petition—if indeed that is what it says—would not achieve anything because the Federal Government is unable to stop commercial whaling by the Japanese.

The Federal Government should be applauded for its efforts in strongly lobbying the Japanese Government to stop commercial whaling in Australian Antarctic waters. I have already read from a letter written by the Prime Minister. Senator Ian Campbell, the Federal Minister for the environment, has also expressed his concerns. He has said that the difficulty with the proposal that the Australian Government stop the whaling is that most of the Japanese Fisheries Agency's proposed whale slaughtering will be in Australia's Antarctic waters. He said:

Intercepting whalers in this area, as a last resort, will raise objections from the many countries that do not recognise Australia's jurisdiction in these waters. It would be a different story if the Japanese Fisheries Agency ... were to attempt to take whales from recognised Australian waters (such as the 200 nautical mile Exclusive Economic Zone off Heard Island and McDonald Islands).

He went on further to say:

The best chance Australia has of stopping the Japanese Fisheries Agency from pursuing its plans is by removing an outdated loophole in the International Convention for the Regulation of Whaling ... that allows for so-called "scientific" whaling.

That loophole has allowed Japan to kill 400 minke whales a year, ostensibly for scientific research purposes. Nobody could imagine that any nation would need to kill a hundred whales each year for scientific purposes. There is no valid scientific purpose whatsoever behind what the Japanese are doing. The Japanese are killing these whales so they can sell the meat for commercial gain, and that should be deplored. This matter has received considerable attention in the media recently. On 20 May the *Illawarra Mercury* condemned the Japanese proposals and again quoted Prime Minister John Howard as saying:

The Government opposed the plan and would work with Britain, the United States and New Zealand to try to convince the Japanese not to table the proposal at the commission.

On 15 May the *Sun-Herald* quoted Senator Campbell describing as obscene and insulting the Japanese proposals that nations could pretend to hunt whales for scientific purposes. The article continued:

"Scientific whaling is a farce," he said. He added that Japan's plans would mobilise countries to help Australia not only stamp out whaling, but reform the structure of the IWC.

The case that the Commonwealth Government is making to protect whales is a strong one. I have had the privilege of watching whales, from the front deck of a property at The Entrance. I have also seen a mother Southern right whale standing on her nose in the lee of the cliffs of the Nullarbor. We were 50 kilometres from the nearest road and it was a magical sight I will never forget. Anyone who can imagine that the killing of these animals will be of benefit to the world is living in a past era. In order to support the Commonwealth Government's actions, this House needs to send a strong message to the Japanese that what they are doing is not acceptable either in this country or most of the rest of the world. That is why I encourage Government members to support my amendment. The honourable member for Port Stephens was unable to tell me the exact wording of the petition. In the circumstances, I think his motion is out of order. [*Time expired.*]

Mr MATT BROWN (Kiama) [4.21 p.m.]: I speak in favour of the motion of the honourable member for Port Stephens and against the amendment moved by the honourable member for The Hills. There is nothing more spectacular in Kiama than when humpback whales move up or down the coast, especially if they are with their young. It generates such excitement. People walk, run and drive their cars to the headlands to see that magnificent spectacle. The whales go into Jervis Bay just south of Kiama, which generates a lot of interest and supports the local tourist industry. As the whales move up and down the coast they also stop at Sydney Harbour, Port Stephens and locations on the far North Coast. All New South Wales residents love to see whales moving near their local area. They love to see this part of the environment being cared for and support being given to whales and their survival.

Who could forget the wonderful spectacle when the whales came into Sydney Harbour three years ago, and gave the Carr Government's environmental clean-up campaign a significant boost? That was a vote of confidence by the very animals we want to protect today. Whaling in Australian waters has been banned since 1981 following the passing of the Whale Protection Act 1980. Traditionally, Australia has led international efforts to protect whales. For instance, we played a key role in the declaration of the Southern Ocean Whale Sanctuary in 1994. We have a proud record, and the people of my electorate would like strong efforts made to look after these magnificent creatures. Our proud record in international whale conservation is totally against current moves by the Japanese to increase their whale kills. We must oppose that in every way we possibly can. That needs more than the Prime Minister writing a letter stating his opposition. Those efforts are to be applauded and are probably the correct way to start this campaign, but if this killing continues more will need to be done. That is why I oppose the weakness of the Opposition's amendment.

The States and Territories of Australia have joined with the Federal Labor Opposition in condemning the Howard Government for not doing more. We want to make sure we prevent the slaughter of humpback whales and the proposed increase in the slaughter of minke whales. A communiqué has been signed by the States and Territories and the Federal Opposition demanding that whaling activity be stopped by the Commonwealth Government in all Australian territorial waters, and that we take immediate steps to prosecute boats detected slaughtering whales within Australian territorial waters under the Environmental Protection and Biodiversity Conservation Act of 1999.

The honourable member for The Hills says there is nothing we can do. That is quite untrue. The Australian Government can do a lot. It can certainly do more than write letters. The statement that it can do nothing more is untrue. The Federal Government can actively prosecute boats found to be in breach of the Act within Australian waters. The Foreign Minister can apply diplomatic pressure to stop Japan expanding its whale killing activities. We also ask that the Howard Government take immediate action to ensure that Australia's opposition to the proposal is clearly conveyed to the Japanese. The Prime Minister has done that so far, and that action is to be applauded. We also want to hear a clear re-affirmation of the Government's commitment to the establishment of a South Pacific whale sanctuary.

The social, environmental and economic benefits of protecting whales is recognised by everyone. Whale watching is a major ecotourism industry in Australia. The humpback whale is listed as a vulnerable species under the Environmental Protection and Biodiversity Conservation Act and it deserves support and protection. I look forward to working with my colleagues in this Chamber to pressure the Howard Government and the Japanese to ensure that these whales continue to move up and down our coast and enrich our lives.

Mrs SHELLEY HANCOCK (South Coast) [4.26 p.m.]: On some issues members of this House unite. I have no doubt that on this issue every member is united in opposing Japan's plans to double the kill in its annual hunt of the Antarctic minke whale and the even more disturbing news that it has plans to resume whaling of threatened populations of fin and humpback whales in the Southern Ocean. We are all united in our opposition to that proposal. The honourable member for Kiama was a little precious in his response to the amendment moved by the honourable member for The Hills. The Opposition wants to get it right and remove some of the careless and sloppy wording in the motion, which suggests that the Federal Government can simply stop this procedure. That is not so. The Federal Government has to follow correct guidelines and procedures to stop these practices.

Japan plans to increase its slaughter in Australia's Antarctic waters. The honourable member for Kiama does not seem to understand—or perhaps the Government has not done its research carefully—that intercepting whalers in these waters could raise objections from many countries that do not recognise Australia's jurisdiction. It would be a different matter if the Japanese Fisheries Agency tried to take whales from recognised Australian waters, but that is not the case. The Federal Government has joined with its partners, the United Kingdom and New Zealand—like-minded members of the International Whaling Commission [IWC]—in trying to remove the loophole, referred to by the honourable member for The Hills, that allows Japan to continue its slaughter of whales under a scientific research program. Japan has operated through that loophole for a long, long time.

I am sympathetic to the emotions and am supportive of the efforts of the honourable member for Port Stephens. The House is completely united on this issue. For centuries the whaling industry was an integral part of the economy of the South Coast, centring around Eden and extending right down to the Victorian border. We now recognise that was a shameful episode in our history. We have many shameful episodes, and that was one of them. We recognise that that practice was a mistake. The whaling bans that were instituted some years ago have resulted in whales returning to the waters up and down the coast, as the honourable member for Kiama pointed out in his speech. It is wonderful to see the whales returning, and we now have an economy that is based around whale watching and dolphin watching along the South Coast. Japan's plan to increase its whale kills seems even more heinous just when the whales are starting to return.

I urge all members to unite on this issue. Perhaps the Opposition is being a little pedantic about the wording, but we want the Government to get it right so that we can send our message with one voice. We must continue to pressure the IWC to remove the loophole. We must support the Federal Government. The Prime Minister and the Minister for the Environment and Heritage have spoken about the loophole and they know what has to be done. They cannot just stop whaling that is occurring outside our recognised waters. Let us get the wording of the petitions right and do everything we can to stop this whaling. We must have a clear understanding of IWC restrictions and loopholes. Let us make sure that those who enjoy whale watching up and down the coast—which they are probably doing right now as we speak—can continue to do so. Let us ensure that we send a very strong message to Japan to curtail its plans and leave the beautiful whales alone. As noted in the *Daily Telegraph* on 17 May, Jamie Hoaston, a little boy, said in a message to Japan:

"I want you to stop killing whales and I want you to just look at them", the six-year-old North Curl Curl schoolboy said yesterday.

"I like whales because they look beautiful swimming in the water. They're just so big."

That simple message from a little schoolboy six years old says it all: leave our whales alone and let them increase in number so we can continue to enjoy their beauty and their grace forever.

Mr PAUL PEARCE (Coogee) [4.31 p.m.]: I support the motion moved by my colleague the honourable member for Port Stephens and capably argued by the honourable member for Kiama. The crux of the motion is twofold. It calls for action to stop the proposal by Japan to enter into commercial whaling. The Federal Government, to its credit, and members on both sides of this House have recognised that the Japanese Government's proposal is a charade. It is not undertaking a scientific program; it is engaging in commercial whaling. Last year the Japanese Fisheries Agency research whalers reported revenues of more than \$US50 million from a catch of 700 whales. This year the catch is likely to be expanded to 1,300.

The population of whales in the Antarctic is only 10 percent of their number before industrial whaling began. It is ludicrous to kill whales to find out what they eat. Of course, it is not ludicrous if the real intention is to make millions of dollars from the meat. As has been mentioned by previous speakers, the whale in general, and the humpback whale in particular although not exclusively, is a magnificent species. Whales are intelligent creatures and it has been argued that there is a high level of communication between whales. Whales are affected by the activities of human beings—such as the use of sonar, which can disrupt the whales' travelling and breeding patterns. But nothing disrupts the patterns of the whales more than these kills.

The International Whaling Commission [IWC] has been open to much criticism, and justifiably so. Reference was made earlier in the debate to article 8, which allows a scientific whaling program. It is a massive loophole. Also, over an extended period, the IWC procedures have been corrupted as a result of a range of nations, with no historical involvement in whaling, joining the IWC. It would appear their membership involves an "aid for votes" type package. An argument advanced by countries that wish to expand whaling—that is, Japan, Korea, Norway and Iceland—that cultural issues should be taken into account. These nations do have an historical involvement in whaling, but we are dealing with very different circumstances that arose after the Second World War.

The use of new technology that has radically altered the capacity to kill large numbers of whales. The new technology has increased the capacity to track down pods and commit mayhem. We are dealing with a different set-up to the whaling operations that occurred a century ago. The honourable member for South Coast referred to our past in the whaling industry. There is a strong indication that the cultural issues frequently cited by Japanese proponents—and there is a strong antiwhaling lobby in Japan, particularly in the environment movement—have been generated post-Second World War. Those issues are not cultural issues in the sense that they go back many centuries, although, as in most island nations, whaling has taken place.

The members who have spoken in this debate have identified the importance of whales to their local community and to the broader community. I, and other residents in my electorate, enjoy watching the whales moving up and down the coast. Crowds gather at Dolphin Point in Coogee, Bronte Point and Marks Park to see these magnificent creatures frolic in the ocean. It is pleasing to see whales surviving and their numbers increasing, following the slaughter that took place in our waters a century or so ago. We must do everything we can to save them.

Mr JOHN BARTLETT (Port Stephens) [4.36 p.m.], in reply: Approximately 90 per cent of New South Wales is in drought while Port Stephens is under water! The reason I say it is under water is because we stick so far out into the sea that from my place in summer the sun is so far to the east that it actually sets in the sea. When a migration of whales is headed north, the whales are only 50 or 100 metres offshore as they pass Port Stephens. That is why whale watching forms such an important part of the local economy. On my morning run last Sunday I observed, at about 150 metres out to sea, the spout of a whale heading north. It was an amazing sight.

I thank the honourable members who spoke in this debate—the honourable members representing the electorates of Coogee, Kiama, The Hills, and South Coast—and thank them for their support of the proposal for a petition. In reply, I would make a couple of additional comments. One can only imagine the public relations disaster for Japan if Migaloo were to be harpooned by mistake during fishing for the humpback whale. "Migaloo" is a Koori word for "white fella". Migaloo is an adult humpback and, as far as we know, the only white humpback whale in the world. What a public relations disaster that would be!

It is interesting to note that under International Whaling Commission [IWC] rules, as mentioned by the honourable member for Coogee, the Japanese have been able to get landlocked countries to join the IWC. These landlocked countries have absolutely nothing to do with coastal matters, but as part of Japanese foreign policy they are joining the IWC and going to meetings and voting. We have a similar problem in the South Pacific. One would think there is not a country in the world that would have done more for the Solomon Islands than

Australia. Australian blood has been spilled in the Solomon Islands, but still the Solomon Islands will vote with Japan in respect of some of these issues. Australian Foreign Affairs pressure can certainly be brought to bear on countries in the region to support our aims.

As well as some landlocked countries, some of the Pacific Islands are also involved with the IWC. One would think that those islands would be our natural allies in working towards our ideal whaling outcome. I do not support the amendment to the motion because I want it to look like the Australian people are putting pressure on the Federal Government to oppose whaling. I am aware that the Federal Government opposes it, but the purpose of the motion and the petition is to show that Australian people along the coastline have instigated this move and that we support them. The people of my community and the communities of honourable members opposite are out there pushing the Federal Government to take this action. I can see where the Opposition is coming from, but I propose to reject the amendment and support the motion.

As I said, the harpooning of Migaloo would be an absolute disaster, merely because it is a white whale, but why would it not be an equal disaster if a whale of any other colour were to be harpooned? The IWC will be discussing this issue in Korea when Port Stephens will be hosting a whale festival on 3, 4 and 5 June. It is ironic that in Korea the IWC will be debating the killing of more whales while Port Stephens will be celebrating with a whale festival.

Frank Future, a Port Stephens resident, has attended the last three IWC meetings. He has attended to put forward the case that whale watching is economically so much more important than the taking of whales. The 300 members of Port Stephens Tourism are totally behind Frank, and part of the proceeds from the festival will go to support Frank and enable him to go to Korea as an advocate for Port Stephens. He is frustrated because, in five days of the conference, he has only one hour to put the case for Port Stephens, New South Wales, and Australia. His feeling is that the IWC process is just a sham.

Amendment negatived.

Motion agreed to.

MINE SAFETY

Matter of Public Importance

Mr PAUL McLEAY (Heathcote) [4.43 p.m.]: I am pleased to contribute to this debate. As a member of this House I represent many mineworkers and I am proud to join with the Minister for Mineral Resources in drawing mine safety to the attention of the House and the public. Many mineworkers reside in the electorate of Heathcote, and it has a proud history of representing miners. Heathcote is home to one of the State's oldest mines. The Metropolitan Colliery and Helensburgh Coal have strong connections with this House. Former members of the House were owners of the mines and they ensured that production levels were maintained. The southern end of my electorate, being north of Illawarra, has very strong links to the mining industry. The latest edition of *The Northern Leader*, one of the local newspapers, published a letter to the editor under the headline "North owes a debt to miners". In his letter, Bob Graham from Balgownie stated in part:

History will show that without mine and coke workers there would be no Wollongong.

He continued:

Have people of this world ever wondered why the hospitals, schools, shopping places and cemeteries are where they are? With the best of intentions one couldn't say. Wollongong and its northern suburbs were planned. Without trying to defend the mine owners would these now anti-mining groups show us another area of our country that has been mined for over a hundred years and looks as good as Wollongong does.

That goes to show that mining is still part of the fabric, part of the way we do things, and still very important. In fact, just last month I was a half a kilometre underground in the Metropolitan Colliery. Tony De Santo, the general manager, gave me a tour and, although it lasted only half a day, it certainly opened my eyes and gave me a small taste of what it must have been like for people who have spent most of their working lives underground. The Metropolitan Colliery is wholly within my electorate, and many workers from the nearby coalfields live in my electorate. One of the significant features about the State's mines is their strong working relationship with the union movement. Bob Mitchell, the president of the mining division of the Wollongong branch of the Construction, Forestry, Mining and Energy Union, often stresses to me and mine owners the importance of mine safety; indeed, he emphasises that mine safety is the number one priority.

As I am sure the Minister will outline, the tragedies of 28 May 2004 robbed two families of husbands, sons and brothers and brought a premature and painful end to the working life of another miner. The Government remains resolutely committed to better safeguarding the health and wellbeing of our State's mineworkers. A lot has been accomplished since 1995. We have introduced new legislation, the Coal Mine Health and Safety Act 2002 and the Mine Health and Safety Act 2004. I am advised that there has been an overall improvement in our mine safety performance, as shown in the major indicators of fatalities, serious injuries, and lost time frequency rates. We established the Mine Safety Advisory Council as the peak advisory group, comprising industry and employee representatives, to help oversee the reform process. We can improve on the council's longevity and effectiveness by reformation.

We ensure compliance with International Labour Organisation conventions, which I am sure all members of this House will applaud. We have comprehensive training for check inspectors and employees. More than 3,000 people attended seminars and workshops last year alone. Vital information is continually being delivered to workers, companies and inspectors via web site safety alerts and the quarterly *Mine Safety Update* newsletter. A total of 958 safety assessments have been undertaken, including reviews, audits and inspections, of which 30 per cent were unannounced. There have been major improvements in electrical and mechanical engineering standards.

While these achievements have proved effective, there is still much to be done. The \$3.2 million allocation announced in today's budget extends the mine safety initiative. This program underscores the Carr Government's strong and detailed plans for the industry and the safety of our workers. While the budget focuses on infrastructure funding, important initiatives have been put in place to ensure mine safety, which I am sure all New South Wales residents, including those who live in mining communities, would support.

Mr KERRY HICKEY: Mr Acting-Speaker—

Mr ADRIAN PICCOLI: Mr Acting-Speaker—

Mr ACTING-SPEAKER (Mr John Mills): Order! The Minister has the call.

Mr Adrian Piccoli: Point of order: I draw your attention to the standing orders. I know the Minister submitted the matter of public importance, but he was not in the Chamber when the matter was called on and the honourable member for Heathcote was given the call. The standing orders relating to matters of public importance refer to "the member next speaking". I put it to you that the member next speaking should be me and the Minister, who submitted the matter, has missed his opportunity to speak.

Mr ACTING-SPEAKER (Mr John Mills): Order! I took advice on the matter before the honourable member for Murrumbidgee came into the Chamber. Bearing in mind the guidance I have been given I seek his concurrence with the procedure I have adopted. The Minister will now have the call and the honourable member for Murrumbidgee will then be given the call. His speaking time will be 10 minutes, which I am sure he expects.

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [4.50 p.m.]: No issue in the mining industry has more prominence than mine safety. The honourable member for Heathcote clearly put his position forward, and he constantly emphasises to me the importance of mine safety. He is extremely concerned about the safety of miners in his electorate, and he must be applauded for continually raising the issue.

New South Wales mines are recognised as some of the safest in the world. Until November 2003 the New South Wales mining industry had a period of almost 12 months without a fatality. More than two years went by without fatalities in the coal industry, which is recognised as quite an achievement. But workers continue to get hurt, sometimes seriously; indeed, sometimes they die. Sadly, workplace safety only seems to come to the front of the collective conscience when things go badly wrong. The general public focuses on mine health and safety when tragedy strikes, and when it strikes no-one thinks about the months and years that have passed without injury. What people see and feel is the terrible trauma and pain suffered by families, friends, workmates and entire communities.

This week marks the first anniversary of a black Friday in the history of mining in our State. On 1 June 2004 I made a statement in this House conveying the news of three separate tragic accidents that occurred on Friday 28 May 2004. At Dartbrook Colliery, 10 kilometres north of Muswellbrook, Mr James Adams sustained fatal injuries underground when he was struck by a fall of roof while installing roof support consisting of rock bolts and mesh. At Mount Thorley Warkworth Colliery, 15 kilometres south-west of Singleton, Mr Paul Strong

sustained fatal injuries on the surface tyre bay when he was crushed by a large tyre being manoeuvred by a hydraulic tyre handler. The deceased and another person were changing the rear tyre of a haul truck. At Metropolitan Colliery, near Helensburgh, in the electorate of the honourable member for Heathcote, Mr Gary Hammond sustained serious injuries underground when he was struck on the forehead by a piece of broken chain while he was trying to gather a chain conveyor attached to a continuous miner.

Once again I extend my sincere condolences to the families and friends of James Adams and Paul Strong. Gary Hammond suffered horrific injuries, and after a number of operations is undergoing further surgery to address the partial loss of sight in his right eye. He has not returned to work, but I wish him a full recovery and I extend our support to him and his family. I can inform the House that the reports carried out by the Department of Primary Industries Investigation Unit are now complete. The reports into the fatal incidents are being submitted to the Coroner. They are very comprehensive and address the nature, cause and circumstance of each event. They also include detailed recommendations to prevent further events of a similar nature occurring. The investigation report of the incident at Metropolitan Colliery has been released to industry parties. Its recommendations are with the Department of Primary Industries for consideration and action.

Where serious breaches of our occupational health and safety laws occur, the full force of the law will be used. I remind the House that since the Department of Primary Industries enforcement policy came into effect in 1999, 27 convictions have been obtained, and a number of guilty pleas are pending. The three reports to which I have just referred have been prepared to seek legal advice on any proceedings which may be initiated as a result of the investigations. I will never forget 28 May 2004. The events of that day, and the fact that the last three fatalities in the coal mining industry were contractors, raised concern across the industry that further steps needed to be taken. It was in these circumstances that I commissioned former Premier the Hon. Neville Wran, QC, to undertake a review of mine safety.

The Wran mine safety review considered a wide range of submissions and presentations, and produced a comprehensive report with 31 recommendations. The report was released on 10 April 2005. Once again I publicly thank Mr Wran and panelists Ms Jan McLelland, Professor Jim Joy, Professor Michael Quinlan, and Mr Peter Wilkinson for the time, effort and dedication they put into the review process. The 31 recommendations cover a range of important issues for the industry, including safety incentives, production bonuses, databases, performance measures and benchmarking, health hazards, fatigue and hours of work, contractors, the composition and role of the Mine Safety Advisory Council and consultative processes, enforcement, the role of the department, and the establishment of a board of inquiry to review policy and practice, the complex culture of the mining industry, and an apparent disconnection between safety systems and practice.

I am currently involved in discussions with my Cabinet colleagues about the recommendations and about working with officers of the Department of Primary Industries on how the recommendations may best be implemented. I recognise there is no magic bullet. The industry faces enormous, complicated challenges, but we can act immediately. I am pleased to inform the House of the release of a new tool for the mining industry that will assist operators in implementing effective occupational health and safety programs on site.

The Audit Checklist for Occupational Health and Safety Consultation for New South Wales Mines is the latest example of the Carr Government's efforts to provide the industry with the best available occupational health and safety educational tools and resources. Audits will be conducted at mines across the State over the next two years and mine safety officers will visit sites to go through the checklist. The audit will identify and prioritise recommended action and, importantly, the document will give clear step-by-step guidelines to satisfy legislative requirements.

Once the audit is finalised the mines will receive a report on the audit, including an action plan. The audit action plan will then provide guidance to management on priorities for improving occupational health and safety and fulfilling legislative requirements. Copies of the Audit Checklist for Occupational Health and Safety Consultation for New South Wales Mines are freely available from the web site of the Department of Primary Industries, Mineral Resources, at www.minerals.nsw.gov.au or by email to minesafety@minerals.nsw.gov.au.

I am very confident that the audit checklist will provide invaluable support to our industry and go a long way to preventing accidents and near misses. We cannot wind the clock back and prevent the grief of the Adams and Strong families or Garry Hammond's pain and suffering, but we owe it to them and the thousands of miners who have died in workplaces over the past 200 years to do everything in our power to ensure that every mine worker returns home safely at the end of every shift. The sobering element in all this is when one visits the

memorial wall at the main building of the Construction, Forestry, Mining and Engineering Union [CFMEU] at Aberdare and count 1,573 miners' names on the wall. I knew some of those whose names are on the wall. I really wish their names were not on the wall, but, as I say, we cannot turn the clock back.

We have to ensure that we do everything and use every tool available to us as a government to make miners and mining management understand the hazards, and to ensure that those at the workplace are the people who are best placed to understand the hazards and how they can be addressed and managed so that mineworkers are working in a safe environment.

Mr ADRIAN PICCOLI (Murrumbidgee) [4.59 p.m.]: Every member of the Liberal-Nationals Coalition obviously supports mine safety 100 per cent. The number of deaths that have occurred in mines is an unfortunate part of our history in Australia. I think that awareness of the dangers of mining is very much part of the psyche in places such as Broken Hill. Far too many people have lost their lives in mine-related accidents over the past 200 years. As the Minister said, fatalities still occur from time to time. Any death and any accident is regrettable, and certainly anything that a government—State or Federal—can do to prevent deaths or injuries should be done.

I think it is interesting to compare where we are with where we were. Certainly the mining companies have come a long way in terms of the priority they give to mine safety. Looking at the history of Broken Hill, it was a matter of getting ore out of the ground as quickly and cheaply as possible; the miners were regarded as almost disposable items of equipment, like an old shovel or tractor. Thank God we have come a very, very long way since those days. The Chinese coalmining industry has something like 10,000 fatalities a year. China produces about 10 times as much coal as Australia, but that is still the equivalent of a thousand deaths a year in Australian coalmines, which, of course, would be absolutely extraordinary. It would be a national disgrace and it would be the number one issue in Australia. We are nothing like that.

As the Minister said, the number of deaths in coalmines in New South Wales has been reduced to a very low level, but any death is obviously very keenly felt by family and friends. I cannot imagine the pain and grief you would suffer if your father, brother or son were killed in a mining accident. This is an opportunity to acknowledge the good work that mining companies have done in addressing mine safety. In 2004 PricewaterhouseCoopers put out a financial report card on the global mining industry, ranking the performance of various countries over a number of parameters, including profitability, fatalities, et cetera. The report said:

A big tick was given in the area of health and safety with Australia recording the lowest Fatality Injury Frequency Rate ... of 0.03. Canada recorded 0.21, South Africa 0.34 and the US 0.13. China was a notable exception with its fatality rate per million tons of coal produced for the first half of 2003, 40,000 times higher than the US or Australia.

So Australia's record internationally is comparatively very good. It is always awkward to make those kinds of comparisons because we cannot say we are better because we have fewer deaths than another country. We have some deaths, and that is ultimately a problem, but compared with other countries in the world Australia performs quite well. That good performance has been achieved through government regulation, but also through mining companies making a significant investment in mine safety. Data from Xstrata Coal concerning its injury frequency rates shows there has been a drop of about 70 per cent from three or four years ago. I am sure that Rio Tinto's rates are about the same, as I saw the figures in presentations made to me when I was the shadow Minister for Mineral Resources.

I am concerned about unions using mine safety as a political issue when they find themselves in situations they are unhappy with. The Wran mine safety inquiry was conducted following two tragic deaths on 28 May last year, and it had the strong backing of the union. The union wanted the Wran report to state that the contracting out of coalmining services was bad for mine safety. After the recommendations had been forwarded to the Minister's office, the unions were unhappy because the mine safety review did not produce the results they sought. They wanted a document stating that the contracting out of mining operations could no longer be carried out and that mining companies were to perform those operations. That was largely to do with union membership and other related matters. However, the Wran safety review found that contracting was not a significant problem. Although I accept that the three men killed last year were contractors, the statistics do not support the view that the use of contractors leads to decreased safety at mine sites. These statistics from Strata Coal show that the lost time injury frequency rate for contractors is less than half that of employees.

No-one in New South Wales would doubt the importance of the House focusing on mine safety and making improvements, either through regulatory regimes or investment by mining companies. However, when this important issue is used for other political purposes, particularly by unions, it is most unfortunate. To throw

other considerations into the mix detracts from the objective, that is, increasing mine safety and reducing the number of deaths to zero. I conclude by reiterating that we all support increased mine safety and further investment in mine safety by mining companies. The Opposition supports the Government's moves to regulate and improve mine safety. Indeed, I hope that in the future fatalities in mines will be a thing of the past.

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [5.09 p.m.], in reply: I congratulate the honourable member for Heathcote and the honourable member for Murrumbidgee on their fine contributions to this important debate. However, I would be interested to learn where the honourable member for Murrumbidgee obtained his figures. Recently I was lucky to have had the opportunity to visit China. I spoke with the Chinese Central Government about a consortium called Australian Mining Services International from Singleton that wished to sell mine safety technology to China. Last year China officially lost more than 5,000 miners. Unofficially, I am informed that the figure is 8,753. The Central Minister of China for Mine Safety told me that that figure equates to about 13 miners each day losing their lives in the mines. We have a moral and ethical obligation to help reduce those fatalities in China and raise the level of mine safety in China to the New South Wales level. To that end, this morning I met with a delegation about the export of mine safety technology to China. That will add value to New South Wales exports.

The honourable member for Murrumbidgee claimed that the unions asked the Wran inquiry to recommend a fully unionised work force. I know nothing about such a request. In fact, the unions did not ask for a fully unionised work force. Their concern was that contractors were not qualified to work at the coalface. I hark back to the old days of the 1980s when there was a buddy system inside the mines. At the coalface an experienced miner would take a greenskin, as they call them in the mining industry, to the face to make sure he was fully aware of all hazards. Unions were concerned that contractors were working in groups on their own doing dangerous work, such as roof bolting, in hazardous areas. They raised that issue with me when my office was in Liverpool Street. I remember that meeting clearly, and they did not ask for a fully unionised work force. I would like to know where the honourable member for Murrumbidgee obtained that information because it is clearly wrong.

Mine safety is a number one concern. When the honourable member for Murrumbidgee was shadow spokesperson for mineral resources he was quite a dynamo. He raised hotly contested issues relating to rail track infrastructure, occupational health and safety issues, WorkCover, and the profitability of mines. I agree that we should not cloud mine safety by discussing whether people are in a union. However, to raise the matter of the profitability also puts a spoke in the wheel. As Minister, my number one concern is to ensure that miners go to work and come home from work safely. I turn finally to resources and performance area funding for mine safety. In 1994-95 the former Coalition Government allocated \$12.767 million for mine safety. Today the Government has allocated \$22.493 million. That is an increase of 90 per cent to 95 per cent in funding, and it clearly demonstrates the Carr Labor Government's detailed plans for mine safety and its attempts to achieve zero fatalities. To suggest that we should be worried more about unionism than mine safety is absurd. [*Time expired.*]

Discussion concluded.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

P AND H PROPERTY SERVICES EMPLOYEE ENTITLEMENTS

Mr PAUL LYNCH (Liverpool) [5.15 p.m.]: I report to the House on the antics and activities of a company called P and H Property Services in its various corporate guises. This company performs cleaning services for Westfield. Of most direct interest to me is the Westfield Shoppingtown at Liverpool, which is located within my electorate and, thus, is a matter of some concern to me. I have had discussions with employees of P and H Property Services and other interested parties. Some 20 people are presently employed by P and H Property Services in cleaning the Westfield store at Liverpool. Employees of P and H tell me that about 50 people have been employed at the Liverpool site over the last 4½ years. P and H seem quite happy to prey on their employees, many of whom do not have the skills or confidence to assert their own rights and entitlements.

The total cost of the Liverpool contract, as I understand it, is \$1.175 million per annum. Superannuation on that is calculated at \$72,695. That would make it fairly attractive for the company to boost its

profit rates by holding on to superannuation. I should also add that there is the usual complication of corporate structures. The employees at Liverpool used to be employed by P and H Property Services Pty Ltd, but that became P and H Property Liverpool Services. A number of serious concerns have been raised with me about the employment practices of this company in its various corporate guises and the manner in which it meets, or fails to meet, its obligations. Wages are often paid late, such as occurred last Christmas Eve. It appears the company has not paid superannuation. In relation to some employees it seems to be the case that superannuation has been deducted but not paid to any superannuation fund. The company collects union fees by way of deduction from the wages of employees who are members of the union but does not send the deductions to the union.

The precedent examples are quite bad. The people running this company also used to have the cleaning contract for Westfield Parramatta. As I understand it, they no longer have that contract, but there is an outstanding claim for approximately \$50,000 owed to workers in the form of entitlements to long service leave and holiday pay. These types of parasitic employers who maintain their profit levels by shamefully exploiting their employees have no legitimate place in our country. They make their money by making sure that ordinary employees do not get their fair entitlements. If they cannot meet their obligations, Westfield should pursue only one option: it should take over what are rightly its responsibilities and meet the entitlements of these workers. After all, P and H are contracted to Westfield and are carrying out cleaning services at the behest of Westfield.

For some time the employees have been trying to get to the bottom of the superannuation issue. They have complained to the Australian Taxation Office, but they tell me they have had no satisfactory response. As late as today my office was contacted by employees of P and H. They have been told that three months ago P and H joined the employees to a superannuation fund called ARF. That is a good start, but the contact told my office today that nothing had been paid into that superannuation fund; the arrangement had been made but no money had been paid in. As that employee quite rightly said, ARF is now going to pursue P and H for the last three months superannuation. What about all the superannuation that was due to be paid prior to that? If P and H cannot meet the entitlements it is obliged to pay, the head contractor, Westfield, ought to pick up the tab. The Liquor, Hospitality and Miscellaneous Workers Union sent a letter dated 2 March to Westfield. Part of that letter read:

I refer to the situation of LHMU cleaning members who currently work for P & H Property Services at Westfield Miranda and Westfield Liverpool and who formerly worked for that same company at Westfield Parramatta.

As you may be aware, the LHMU is currently pursuing P & H Property Services in the NSW Industrial Relations Commission for the unpaid entitlements of our members at Westfield Parramatta. The union alleges that on the change of contract at Westfield Parramatta in late October 2004, P & H Property Services failed to pay close to \$50,000 worth of entitlements including annual leave and long service leave to our members. Members of the union also report that P & H Property Services has failed to pay the correct superannuation over a number of years, for their employees across Westfield sites.

These concerns have been exacerbated by two recent events. Firstly, you will recall the problems with cleaners being paid on Christmas Eve 2004. Unfortunately, that was not the only time. Our members at both Westfield Miranda and Westfield Liverpool were paid two days late on the week starting Sunday the 13th of February 2005. Secondly, solicitors acting for P & H property Services stated on record before the Industrial Relations Commission of NSW on Friday the 25th of February 2005 that the company is currently under voluntary administration and will be wound up.

The letter continues. It is interesting that the company's response to that was not to pay the entitlements but to hire a large, rich, top-end-of-town firm of lawyers to combat that letter. Rather than paying entitlements the company is running off to lawyers. The company is being helped, I am told by the employees, by a bloke called David who owns his own private jet. That is where the money is going rather than into the pockets of the workers, where it belongs.

CRONULLA RAIL LINE DUPLICATION

Mr MALCOLM KERR (Cronulla) [5.20 p.m.]: I wish to speak about the duplication of the Cronulla railway. This is a major project and on behalf of my constituents I have asked two transport Ministers for briefings because of the impact the duplication will have on my electorate. Those requests have been ignored. That is a serious matter. Therefore, I made a request under the Freedom of Information Act for design and specifications. On 11 May 2005 the Transport Infrastructure Development Corporation refused my freedom of information request, stating that the design process is a pre-inception phase only and that the release of any documents related to design would be contrary to the public interest. The Transport Infrastructure Development Corporation further advised that only two design documents are held: Railway Clearways Programme Cronulla Line Duplication Inception Report, Revision A, March 2005, and Revision B, April 2005. There are no documents relating to specifications.

For the past three years the Carr Government and the honourable member for Miranda have made no less than 24 announcements committing to the duplication of the Cronulla railway line. Duplication of the line would involve the building of up to nine new rail or road bridges and three new platforms. One of the road bridges would be on busy Acacia Road and Princes Highway at Kirrawee, which is a six-lane highway. According to the announcements, the massive engineering works and the impact on residents, motorists and commuters would involve extensive community consultation, and environmental assessment would take place for up to two years. It is incredible. I am sure the former Minister for the Environment, the honourable member for Wentworthville, would well know what I am talking about.

I notice that costs have blown out to \$174 million from \$106 million in February 2003. Not a bad blow-out! According to the Carr Government and the honourable member for Miranda, construction was to have commenced in 2005 and to have been completed in 2008. Yet the only documents relating to design are pre-inception. This will be one of the most remarkable engineering feats in history: the first multimillion dollar, detailed, complicated engineering structure that will be completed without specification documents, and all before the end of this year. It will be an engineering miracle. Perhaps the Premier and the honourable member for Miranda might look up in the dictionary what "inception" means and apologise to the public for the cheap publicity stunts and broken promises for which they are responsible.

EARLY NEWCASTLE—THE FETTERED AND THE FREE LAUNCH

Mr JOHN MILLS (Wallsend) [5.25 p.m.]: *Early Newcastle—The Fettered and the Free* is the title of an outstanding new publication by the Newcastle Family History Society that was launched at the Newcastle Regional Library on 30 March. I have the honour of being a patron of the society. The society commenced this project three years ago. It was led by a steering committee convened by Maree Shilling and comprising Monica Gibbs, Gail Goddard, Karilyn Pawley, Ken Shilling and Nancy Taylor. Maree Shilling told the launch that the society embarked on the project because there was a lack of collated information on the early pioneers of the Hunter region, especially the ordinary people who helped found the region and the cities of Newcastle, Maitland and Lake Macquarie. There is plenty of information in the history about the bigwigs—the commandants, officers, captains and settlers of note involved in establishing the penal settlement—but little about the majority. The society set out to rectify that with this publication about all the inhabitants, from families of the bigwigs to convicts, soldiers, ships' crews, overseers, and the settlers who led the expansion into the valley.

I want to refer to the acknowledgment in the book and thank Margaret and Brian Engel for proofreading and for the production of the CD-ROM. I also thank all those who were willing to share their families' stories, their research skills and their knowledge of writing. Only a small selection of the material is included in the publication but the full bank of collected information is available for research purposes at the rooms of the Newcastle Family History Society. The National Library of Australia, the Newcastle Region Public Library, the Newcastle Region Art Gallery, the State Library of New South Wales and State Records of New South Wales also co-operated. Funds were allocated to the Royal Australian Historical Society by the New South Wales Ministry for the Arts.

The publication consists of four distinct parts. The first is an outline of the development of Newcastle from Mulubinba, the land of the indigenous people, to the closing days of the penal settlement. It contains an important chapter on the impact of European invasion, establishing the penal colony, and the Aboriginal traditional owners of the land, particularly the Awabakal south of the Hunter River, the Worimi to the north, the Wonarua people up the valley and the Darkinjung nation south of Lake Macquarie. That is an important contribution to the history of interaction between Aboriginals and Europeans. The second part is a database of those living in Newcastle between 1804 and 1824. About 4,500 individuals are listed. The third part, which is the most entertaining part in many ways, contains the stories of selected individuals who had some part in the Newcastle story during and beyond the 20 years under review.

The launch itself started, appropriately, as a family affair. Convener Marie Shilling introduced the publication. Her husband, Ken, is president of the society and a committee member. Their son, Ross, did selected readings that highlighted the harshness of the settlement for the majority of the inhabitants, both convicts and gaolers, and the hourly terrors and conflicts that were endured. The publication was launched by a charming, witty and enchanting woman, the Consul-General of Ireland, Anne Webster. She referred to the Diaspora, the common heritage of current generations of the Irish people and the large proportion of the population of the Hunter, New South Wales and Australia. She also referred to the commemoration in 2004 at Rouse Hill Park near Windsor in New South Wales of the Battle of Vinegar Hill, and outlined the links to

Ireland's own Battle of Vinegar Hill against the British near Wexford in 1798. The chapter entitled "Australia's *Vinegar Hill*", on page 17, states:

In the late 19th century, a new type of convict was arriving on Sydney's shores—the Irish political prisoner who fully believed in his own innocence.

It then outlines the increase in political activity in Ireland and the oppression by the British there. The book further states:

In 1798, thousands of men and women gathered on Vinegar Hill ready to do battle once again with the English. However, with trained troops reinforced in number, and with far superior weaponry, it took little time to overcome the Irish. Those left standing after the bombardment were quickly cut down in the cavalry charge. The Battle of Vinegar Hill was over, and the hopes of the Irish completely dashed.

The book further states:

It was not until 1804 that another serious and apparently well planned attempt was made at a rebellion by the Irish.

Philip Cunningham, who was a veteran of the 1798 rebellion in Ireland, was one of the leaders of the New South Wales rebellion. The uprising failed. The next morning Cunningham was executed. There were various trials. Some 34 survivors of the Battle of Vinegar Hill were transported to Newcastle to start the coal-cutting penal settlement in Newcastle. That link was drawn out. Anne Webster said that *Early Newcastle—The Fettered and the Free* makes a contribution to our history internationally. Certainly, many descendants of these early inhabitants were interviewed by society members. I recommend John Platt's and Ann Clark's stories. The great, great, great granddaughter of Ann Clark came to see me because Ann Clark donated the land on which the Wallsend courthouse and police station historic precinct now stands. I commend the society.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.30 p.m.]: The honourable member for Wallsend has told a great story today. I am sure everyone in the Parliament will want a copy of *Early Newcastle—The Fettered and the Free*. For the information of the honourable member for The Hills, the book details the connection with Vinegar Hill, the transfer to Newcastle in the time of Morisset, the commandant, of prisoners, many of them Irish, to start the penal colony in Newcastle, and it builds on the magnificent story of coal and the development of Newcastle and the Hunter Valley. As the honourable member for Wallsend said, it is not the stories of the big people and major events; it is often the social history, the fabric of society that has developed through the day-to-day activities of ordinary people.

The mining history brought together a range of social fabrics, the co-operative society, the influence of Methodism—a whole range of social phenomena that had their font in the settlement and foundation of Newcastle. I mention the great work being done in Newcastle through the societies and the regional library, including the search of family histories. Last week I had the great pleasure of attending at the Lovett Gallery for the opening of a foundation that was being put on by artists. They were tracing history through art. Once again, the stories of their forebears influenced a range of art and other activities. I thank the honourable member for bringing this matter before the House.

GOULBURN REGIONAL ART GALLERY

Ms KATRINA HODGKINSON (Burrinjuck) [5.32 p.m.]: One pleasant duty that it is my lot to perform as a local member is the opening of many events that are held across the electorate of Burrinjuck. I recall an art exhibition that I was asked to open in Gunning called Country with a Capital C. It was a unique showing of the work of about a dozen local artists ranging across a wide spectrum of media, including photography, painting, jewellery and needlework. The exhibition was put together by Jennifer Lamb, the Director of the Goulburn Regional Art Gallery, as a travelling show intended to bring the work of the region's artists to small communities which would otherwise not have access to them.

The exhibition was a fantastic success. About 50 locals from Gunning attended the opening night, and many more viewed the works over the following days. The exhibition then moved to Boorowa and Taralga. I opened both legs of the art exhibition in those areas. The exhibition was fantastic. Jennifer Lamb's idea to bring art to local communities was a great success, and I have nothing but praise for her dedicated work. Sadly, this project is now under serious threat by the Premier, who is also the Minister for the Arts. I shall highlight the great work of the Goulburn Regional Art Gallery, taking the period between October 2004 and January 2005 as an example.

In that time the gallery held five major exhibitions comprising Contemporary Glass: Art Monument, presenting the works of seven major glass artists, which attracted more than 1,000 visitors; Goulburn Region HSC Body of Work, which highlighted the Higher School Certificate works of regional students from as far

afield as Young, Queanbeyan, Moss Vale and Boorowa; Sixteen, presenting the work of local TAFE photography students; Wendy Anne Rose in Retrospect, showing 25 years of the work of the late Goulburn artist; and a selection for the gallery's permanent exhibition. An external exhibition titled Conversion was also held at various locations around Goulburn and received favourable reports in the *Sydney Morning Herald*.

In addition, the gallery also held 19 workshops, outreach programs and other events. It provided a regular weekly workshop for adults with special needs, and it was also visited by school students from Tarago, Tirannaville, Windellama, Dalton, Gunning, Crookwell, Queanbeyan, Boorowa, Young, Bowral, Moss Vale, Burradoo and several Goulburn schools. What a great and active gallery! It is a credit to the city of Goulburn, and one would think that it is an organisation that should be strongly supported. But that is not the opinion of the Premier, who is also the Minister for the Arts. The Premier has ripped \$35,000 in funding for a general program grant off the Goulburn Regional Art Gallery.

The Goulburn gallery has always been a small gallery operated on a tight budget, and it has been a challenge to Jennifer Lamb and her small staff to be competitive for funding. But as a result of their efforts, the gallery received this grant each year for 2002, 2003 and 2004. However, because of the funding cut—let us be clear that responsibility for the cut lies with the Premier—the Goulburn Regional Art Gallery will have to cut \$4,000 from exhibition costs, \$6,000 from outreach services such as the Country with a Capital C travelling exhibition that I opened with such pleasure, \$15,000 from public art, \$4,000 from equipment purchases, \$1,000 from art conservation measures and \$5,000 from operational costs.

While last year the Premier, and Minister for the Arts spent \$96 million on consultants, he is ripping \$35,000 out of Goulburn Regional Art Gallery. While the Premier, and Minister for the Arts spent \$5.9 million in the past two years on media monitoring, he is denying the people of Gunning, Taralga, Tarago, Crookwell, Binda, Bigga, Tallong and Collector the opportunity to have visiting art exhibitions. But the most astounding admission comes with the reason given for this funding being ripped out of Goulburn:

There are other regional galleries that are better resourced in terms of buildings and general infrastructure, and therefore deemed more worthy of funding.

That is not the action of a Minister for the Arts; he should be called the Minister against the arts. This is a small local gallery doing a great job for the local community. So I ask the Premier: why does he believe that the people of the Goulburn region do not deserve access to the service he is forcing the gallery to slash? I commend the director of the Goulburn Regional Art Gallery, Jennifer Lamb, and her staff for their dedication and commitment to making art accessible to the Goulburn region. Without their untiring efforts the artistic life of the Goulburn region would be much poorer. I condemn in the strongest possible terms the actions of the Premier, and Minister for the Arts, who obviously believes that Goulburn's artistic community does not deserve support. I call on him to reverse this short-sighted decision and do what he is paid to do, that is, support the arts across the entire State, including the Goulburn region, not only in the Sydney area. I cannot speak highly enough about the local level and quality of arts in the Goulburn region. There is a lot of untapped talent and by using this gallery they are getting exposure which they might not otherwise have. [*Time expired.*]

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.37 p.m.]: I was most impressed by the opening statements made by the honourable member, particularly about Country with a Capital C at Gunning and the importance of art in every community of New South Wales. I listened to her somewhat acerbic comments directed at the Premier, and Minister for the Arts. There is no doubt—and I have personal experience of this—that the Premier takes great interest in art right across New South Wales. I am sure if the honourable member communicates directly with the Premier, as she has through the House today, she will have a very good audience for her issues.

TOONGABBIE SHOPPING CENTRE REDEVELOPMENT

Ms PAM ALLAN (Wentworthville) [5.39 p.m.]: Normally I tend not to demonise people, certainly not people outside the Chamber—but I do not mind demonising a few people who are inside the Chamber. A feature of my political career is that I have not sought to demonise people in the community. The person I am about to speak about is particularly sensitive, so he will probably interpret it as me being horrible and nasty, but I think it is only fair that some things be placed on the record. I am referring to Mr Simon Symond, a developer in my electorate. He represents a company called North East Developments. Recently, in a letter to about 1,000 members of my community, I described him as a North Shore businessman. While, per se, I would not hold things against a North Shore businessman for the sake of it, I think it is entirely inappropriate for someone of this nature to come into my electorate, spend considerable time and resources, win development approval for the major redevelopment of the Toongabbie shopping centre more than 12 months ago and then almost walk away from that redevelopment.

I am not sure how many honourable members have been to the Toongabbie shopping centre recently. They would be amazed if they do visit it. At the moment it is functioning on half capacity. Half of the shopping centre has been closed thanks to Mr Symond's proposed development. Half of the shops—a traditional, post-war arcade called Piccadilly Centre—have been closed. These significant shops within the local community—a post office, a supermarket, a delicatessen, a butchery and a soft/hardware store—have been closed because Mr Symond, in his infinite wisdom, decided he wanted a commercial and residential redevelopment of the area. Over several years he has been working hard, and about 12 months ago Holroyd City Council gave him approval for a commercial redevelopment and a residential redevelopment of 143 residential units.

Unfortunately, all Mr Symond has done since he won that approval has been to close the existing shops, board them up, and surround the area with an ugly fence, but he has done nothing else. We have seen a series of well-orchestrated appearances in the local newspaper by Mr Symond and his family, who are also shareholders of North East Developments, assuring the local community that this will change. Unfortunately, it does not seem likely to change. Many rumours are circulating in the community and in the local property industry that Mr Symond has the site for sale. He cannot unload the site. He paid too much for it—about \$6 million or \$7 million. He assured me on the telephone last week that he did not have the \$90 million capital to develop the site. He said that I should be patient and that at some stage he will do something about it. Mr Symond needs to get on with the job straightaway. It is nothing personal but he has to do something for the good community within Toongabbie. He has to either start construction work or reopen the shops he closed and get the shopping centre working again.

Simon Symond is a well-connected fellow. His brother is Aussie John Symond, who, according to the *Daily Telegraph*, is also known as the \$365 million-man. Lately I have been doing a lot of research on John Symond. He is somewhat of a philanthropist. There is no doubt that on occasions he gives considerable money to charities. He also has a very luxurious, affluent lifestyle. Two days ago the *Sunday Telegraph* showed he splashed out on a Bell 427 chopper. He has a boat called "Au Sea" and he is off to Paris on the way to the Formula 1 grand prix in Monte Carlo. He is living the good life as well as having lots of money and lots of opportunities.

I am not sure what the relationship is, other than that they are brothers—and I do not know whether there is a commercial relationship between Simon Symond and John Symond—but if Simon Symond says he needs \$90 million to start construction at Toongabbie shopping centre, I would like to see John Symond apply a little of that philanthropy that he has been applying to the central business district to the people of Toongabbie. In the past two years Simon Symond and North East Developments have made the community of Toongabbie heaps of promises. They have said they will restyle the shopping centre and bring it into the twenty-first century. Instead they have done nothing but board it up. It is time for action.

THE HILLS ELECTORATE TRAVELTEN CARDS AVAILABILITY

Mr MICHAEL RICHARDSON (The Hills) [5.44 p.m.]: The Carr Government's running down of the Sydney rail system is notorious. Everyone has a horror story to tell about on-time running. Over the two-year reign of chief executive officer Vince Graham, the trains have run on time just one day in 10—an appalling record by anyone's standards. In my electorate we do not have trains—and after today's budget we are no closer to having them—but we have bus services. Those bus services have been under a cloud since last December as a result of the Government's changes to contract areas and the fare structure. First, Harris Park Transport services collapsed. Then Westbus took over the running of its services. A month later Harris Park Transport went into receivership and the State Transit Authority [STA] had to take over the Harris Park services while a new operator was being found for those routes. I never thought I would see the day when an STA bus drove past my front door—but now I have!

The temporary changeover has not been without its problems. I have personally witnessed an STA bus weaving erratically while the bus driver consulted a street directory. I have been told about buses letting kids off on the wrong side of busy main roads. I have listened to mums complaining about the rudeness of certain drivers. The stand-in service is less than ideal. Now we come to a new problem caused by the inflexible structure of the New South Wales Government bureaucracy. Mrs Philomena Henriksson came to seek my assistance last week to allow her to buy a travel pass or TravelTen card for her seven-year-old daughter, Emily, not to get to school, but to get to the childcare centre on North Rocks Road after school. In the good old days—and my constituents would call them the good old days; they are certainly better than they have to endure today—parents could buy a one-year travel pass for their kids from Harris Park Transport for travel to out-of-school-hours [OOSH] care. It was part of the service this family-owned private company provided.

Compare this to the attitude of the STA, which refuses to supply a travel pass. I understand that these children are not travelling directly home—Mrs Henriksson lives just around the corner from Murray Farm Public School, which her two children attend, so they can and do walk to school. But most mothers work these days and they need to be assured that their children are getting to childcare safely. The North Rocks OOSH is just a few hundred metres as the crow flies from Murray Farm Public School but that includes crossing busy North Rocks Road. I would not want my seven-year-old to be crossing that road unescorted, and Mrs Henriksson is no different—which is why she wants to put her daughter on the bus and—could the Minister for Transport please note—pay to do so.

Mrs Henriksson could give the 80¢ fare to Emily but there is no guarantee with a seven-year-old that with all the best intentions she will not lose the money before she gets onto the bus. The best solution, according to the STA, is a TravelTen ticket, which allows the purchaser to make 10 trips by public transport before buying another one. TravelTen tickets should be available from any newsagent, but here is the rub—because the STA is only operating temporarily in our area, the newsagents will not stock them. Mrs Henriksson has tried at Carlingford Court, Carmen Drive and Westfield North Rocks and they are not available. She did manage to pick up a TravelTen at the newsagent in Telopea, but the last time she tried him he had run out. Apparently the next closest newsagency where she can guarantee to get a TravelTen card is at Macquarie Centre. This is scarcely reasonable, but it is what we have come to expect from this Government. It puts as many obstacles as possible in the way of using public transport, makes it as difficult as possible, then wonders why patronage falls.

Mrs Henriksson said she had contacted State Transit only to be told that her options were for the children to walk, to carry the correct change each day, or to buy a TravelTen ticket. She rang the Minister's office and was put through to a staffer whose contribution was to tell her the regulations were inflexible. Why is it so? The collapse of Harris Park Transport and Westbus is a unique situation the Government needs to adapt to. That is the way good businesses do things, and why they thrive—not that I would expect this Government to understand good business practice; I sometimes think it would be happier running New South Wales as a command economy. Mrs Henriksson is not, of course, the only parent affected by the collapse of Harris Park Transport. There would be many other schools in the company's former contract area whose parents and children would have identical problems.

The solution is simple, and it would take just a little bit of lateral thinking on the part of the Government: allow schools to stock and sell TravelTen cards, at least until the end of this term. I understand Murray Farm school would be willing to do this, but it would need approval from the Department of Education and Training and Transport NSW. That is what I am asking for today: approval from the Minister for Education and Training and the Minister for Transport for their departments to allow schools to stock TravelTen cards. Each school will have to determine who would use the cards and how many it should stock. But I cannot believe this problem cannot be solved to the benefit of everyone—schools, parents and the State Transit Authority, which will get more customers. If and when a new private company takes over the running of the Harris Park services, I would anticipate that it will, like its predecessor, provide annual bus passes for children travelling to child care.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.49 p.m.]: I have listened carefully to the lyrical presentation of the honourable member for The Hills about the problems that have resulted from the collapse of bus services in the Harris Park area. I gleaned from his presentation the enormous amount of work being done by the Minister for Transport to deal with those issues and to reconstruct a viable and sustainable bus service across the Sydney metropolitan area through the bus reforms. I am sure that the Minister will take into account the helpful suggestions made by the honourable member.

REDFERN OVAL

Ms KRISTINA KENEALLY (Heffron) [5.50 p.m.]: Today I want to speak about an issue that is near and dear to my heart and to the people I represent in South Sydney, that is, the future of Redfern Oval. Redfern Oval is wholly owned by the City of Sydney. The South Sydney Rabbitohs hold a lease on Redfern Oval, which expires in October 2005. A report by the Council of the City of Sydney, which was released earlier this week, proposes to knock down Redfern Oval and create passive recreation space. This proposal is short-sighted. It offers no significant community infrastructure, such as active recreational space, and provides no opportunity for the Rabbitohs to have any significant link with Redfern.

South Sydney residents currently have no access to active recreation space. There is no place in Redfern or Waterloo for organised sport, such as Little Athletics and junior rugby league—no place, that is,

except Redfern Oval. In Waterloo especially there is a need for a facility for exercise and wellness programs for older persons and people with disabilities. I believe that Redfern Oval offers a terrific opportunity to the people of Redfern and Waterloo—including families, young people, the elderly, schools, the indigenous community, and public housing tenants—to have a top-notch recreational facility in their local area. The council proposal simply creates a big field, and not much else.

The Lord Mayor of the City of Sydney recently increased the budget for the Ultimo Aquatic Centre from \$25 million to \$43 million. Yet the council is willing to spend only \$17 million on Redfern Oval, and deliver very little to the local community. If the Council of the City of Sydney were to proceed with this proposal, it would miss a terrific opportunity to create a great recreational facility in South Sydney. I am also distressed that this proposal will effectively banish the South Sydney Rabbitohs from Redfern. The council's proposal purports to maintain a connection with the Rabbitohs, but it is difficult to see how that would operate in practice. There is no possibility under the council's scheme for the Rabbitohs to play even a pre-season game. Redfern Oval has been the home of the South Sydney Rabbitohs for 100 years. It is the heart and soul of South Sydney. I fear that knocking down Redfern Oval would rip the heart out of South Sydney. On 23 May the Indigenous Land Corporation [ILC] wrote to the Lord Mayor of the City of Sydney offering to hold discussions that would provide outcomes for the indigenous community in Redfern and Waterloo and to participate in the redevelopment of Redfern Oval. The ILC wrote:

The ILC strongly believes that there is a significant opportunity for it to develop Redfern Oval as a positive centrepiece for the Indigenous people of not only Redfern, but the greater Sydney area. Redfern Oval could be transformed into a venue that would become the focus of Indigenous cultural, social and sporting excellence for Sydney's Indigenous population.

I am sure that the ILC can revitalise Redfern Oval for the benefit of not only Sydney's Indigenous population, but also for the general population. The ILC is willing to work constructively with your council and the RWA—

That is, the Redfern Waterloo Authority—

to ensure the best possible use for Redfern Oval for the Indigenous community of Sydney.

I am pleased to say that last night at a Council of the City of Sydney meeting on a motion by Councillor Tony Pooley the council deferred a decision on the future of Redfern Oval. It is worth noting that the voice of dissent on that motion was the Lord Mayor, Clover Moore. I am greatly distressed that the Lord Mayor would not examine a proposal by the Indigenous Land Corporation, and the funds that might come with it, before making a decision to knock over Redfern Oval. I am also concerned that the Lord Mayor does not consider Redfern Oval a significant enough facility in South Sydney to discuss with the Rabbitohs, the local community and the Indigenous Land Corporation the future of this facility. I would like to read a letter I sent today to the Lord Mayor and the councillors on the Council of the City of Sydney. I wrote:

Dear Lord Mayor,

I write to convey a heartfelt plea for you to preserve Redfern Oval for the people of South Sydney.

I write not just as the state representative for the South Sydney area but also as a local resident, as a Souths supporter and as the mother of a little boy who was thrilled last year to play his under-6 Grand Final at Redfern Oval.

Redfern Oval is the heart of South Sydney. Our local area has had its struggles and challenges, but we have always had the pride of being the home of the Rabbitohs.

Our community rallies around Redfern Oval. For 100 years, as players and as fans, black and white folks in South Sydney have come together under the Red & Green banner.

Our children have played organised sport at Redfern Oval. Our community has gathered as one at Redfern Oval. Our past, our tradition and our memories are at Redfern Oval. Our future should include Redfern Oval.

Please don't disregard the community's heartfelt desire to keep Redfern Oval. Please consider the opportunities Redfern Oval offers for community infrastructure, for youth sports facilities and for keeping the Rabbitohs in Redfern.

I urge the Council to engage in dialogue with the South Sydney Rabbitohs. I ask you to explore the exciting possibilities offered by the Indigenous Land Council's interest in Redfern Oval.

I beg you not to rip the heart out of South Sydney.

[Time expired.]

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.55 p.m.]: I was moved by the impassioned plea by the honourable member for Heffron to retain Redfern Oval. I claim an interest in the oval in that I taught for 15 years as physical education teacher at Newtown Boys High. We often played at Waterloo Oval, but to get a game at Redfern Oval was sought after by many of the students I taught in the area, particularly the indigenous children. Redfern Oval is an icon that is linked with South Sydney. Although there is a move by South Sydney Rugby League to Telstra Stadium, the honourable member makes the point that the oval has a long and interwoven history with the people of the South Sydney area, both culturally and as a junior sport facility. It would be a great tragedy to lose that cultural connection and access to a sporting facility. As an icon for indigenous people, the Indigenous Land Corporation has offered the Council of the City of Sydney an opportunity to develop the oval for the broader community use. I thank the honourable member for bringing this matter before the House.

MINISTERIAL ACCESSIBILITY

Mr IAN ARMSTRONG (Lachlan) [5.57 p.m.]: One of the prime responsibilities of elected members of Parliament is to bring matters that are raised by their constituents before Ministers, and if of a serious nature before the Parliament. As the House would appreciate, many Ministers require their departments not to communicate directly with members. Communication must be done through the ministerial office. I respect those conventions. Ministers traditionally have done so, particularly Ministers in the more difficult portfolios. I have no argument with Ministers taking that course, so long as they provide a reasonable service to the members who act on behalf of their constituents. Most constituents who require access to a Minister or senior departmental officers have a problem affecting their personal lives, their health, their businesses, their families or their community. They do not take such steps lightly. There is the odd frivolous complaint, but an experienced member knows how to handle such matters and deals with them accordingly.

The majority of people are quite serious about their problems. I realise that in many instances while a member may think a particular issue must be one of the smallest matters raised in the office, to the constituent it may be the biggest thing that has happened in the year. Often people who approach their local member of Parliament to make representations only do so after they have tried other avenues and have become gravely concerned. Their representations have to be treated with respect. Tonight I want to draw to the attention of the House the length of time it is taking some of our Ministers to reply to correspondence and representations I have made on behalf of certain constituents of the electorate of Lachlan.

I do not propose to outline all the details; it would be wrong to have that recorded in *Hansard*. I simply say that I have copies of letters that were sent to Minister Costa, one on 14 February and another on 23 February. To date I have not received a reply to my letter of 14 February, which dealt with a matter related to the Roads and Traffic Authority. The letter of 23 February related to testing for a drivers licence. Once again, I have not had a response from the Minister. Obviously, those two constituents have been left in some form of hiatus. They do not know what their positions are.

So far as the Minister for Community Services is concerned, a letter sent to her on 19 January related to the Department of Community Service's care of children. That is just about one of the most serious issues that a member of Parliament can be asked to deal with. I am still awaiting a reply to that letter. The subject of a letter dated 16th March was a constituent's runaway daughter. That letter was acknowledged on 18 March but my office has not had any further response. The reply was due by the end of April, but we are now into the third week of May. In my view that is a dereliction of duty by Ministers who have a senior role in the Government. A letter to the Minister for Natural Resources on 8 March related to the Water Management Act 2000 and the Lachlan River Regulated Water Sharing Plan.

Another letter, to the Minister for Fair Trading and dated 4 March, related to the construction of a family home by a company in Wagga Wagga. A letter dated 11 April to the Minister for Energy and Utilities dealt with the subject of additional water storage in Wyangala Dam. On 16 March I wrote to the Minister for Primary Industries about the reintroduction of the national livestock program and some of the arrangements. On 23 March I wrote again to the Minister for Primary Industries about the Wagga Wagga Rural Lands Protection Board and exceptional circumstances for the north-west portion of division D. Again, on 4 April, I wrote to him about Bland Shire Council and funding for drought workers.

So far as the Minister for Education and Training is concerned, I have received no response to a letter of 30 March regarding an education matter at a school in my electorate. My office was advised that a reply should be received during the week commencing 16 May. It is now 24 May and we have still not had a response

from the Minister. I simply ask that Ministers acknowledge the fact that, in 99 per cent of cases, constituents do not approach their local member on frivolous matters. I believe the matters I have referred to today are serious enough to command the attention of the Ministers concerned. Perhaps the Government could tidy up some of the domestic issues and ensure that the people of New South Wales think they are getting a fair and reasonable service from members and Ministers alike.

SCHIZOPHRENIA AWARENESS WEEK

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [6.02 p.m.]: On Monday 16 May the focus in Newcastle was on the opening in Newcastle of Schizophrenia Awareness Week at Club Nova Panthers. The first address was by Mr Ian Walker, the President of the Schizophrenia Fellowship in that area. Ian is a consumer of services and brought to the attention of those present his 20-year journey with schizophrenia. He detailed his youth and the lead-up to his diagnosis with that illness. He referred to sleeping on the streets, to his attempts at suicide, to his admission to hospital after being taken there by the police, and to the trauma that that caused him. He spoke about his second admission to hospital, his denial that he was suffering from the illness, and the length of time it took for him to find his way back into society.

Ian talked about how he travelled around Australia and finally found a person who gave him care and brought him back to a sense of being beneficial to the community. He spoke about how he is still confronting the stigma associated with schizophrenia. In the Schizophrenia Fellowship he has found a mechanism by which he can share his understanding of the illness, can be liberated from the isolation of the illness, and can dedicate himself to speaking out and educating others about mental health issues. The work that Ian does with the Schizophrenia Fellowship is very valuable to people in our community. He wants to ensure that people understand schizophrenia, that they are no longer sensitive to the word, and that people who suffer that illness are able to find social equality within the community. Those in attendance were also addressed by Associate Professor Ray Watterson from the Newcastle University Legal Centre, which is undertaking the defence case for Cornelia Rau related to her tragic lengthy incarceration under the Immigration Act.

On the following day, at the opening of Law Week at the Local Court in Newcastle, Year 11 students who were undertaking legal studies had the benefit of an address by Mr John Sharples, who is the clinical liaison nurse with Hunter New England Medical Team. He was the first mental health court liaison officer in the State, and has held that position for the past eight years. He told the students that while only 1 per cent of people within the community suffer directly from schizophrenia, more than 7 per cent of those within the prison system are victims of that illness. That points to a dysfunction in the way that we deal with people who suffer from that illness, and to the need for effective community-based care and a compassionate approach within society.

Last Sunday night, 22 May, at Christ Church Cathedral, Evensong was sung to celebrate Schizophrenia Awareness Week, bringing together sufferers, carers, professionals in the field and members of the community who really want to understand more about the illness and be more involved in assisting sufferers. Once again, we were addressed by Ian Walker, by Mr John Greig, a carer, and by Nadine Farrell, who is the professional who runs the Schizophrenia Fellowship in the Newcastle and lower Hunter. She said that the fellowship strives to promote a society in which people with a mental illness are valued and treated as equals. It is committed to improving the circumstances and welfare of people living with mental illness, and also of their carers and relatives.

Support groups are held in Newcastle and Cessnock, and groups in Lake Macquarie, Maitland, Raymond Terrace and Salamander are to commence soon. I pay tribute to the Schizophrenia Fellowship, and also to the Association of Relatives and Friends of the Mentally Ill, the Psychiatric Rehabilitation Association and Kaiyu Clubhouse, all of whom work very hard to ensure that people with schizophrenia are cared for, and that our views on those who suffer from schizophrenia are much improved by the education that they provide.

LUNA PARK ZONE LEASES SALE

Mrs JILLIAN SKINNER (North Shore) [6.07 p.m.]: I refer to matters relating to Luna Park which have been brought to my attention by local residents and a concerned community group. Representatives of the group met with the Leader of the Opposition and me a couple of weeks ago and, following that meeting, provided some written information which led to the Leader of the Opposition referring these matters to the Auditor-General with a request that they be investigated. I will summarise them for the benefit of honourable members. The Luna Park submission has been provided to the Coalition by the Protectors of Sydney Foreshore Incorporated.

The organisation has used various documents, including some obtained through freedom of information, to raise concern about the sale of long-term leases on land within the Luna Park zone, for minimal return to the public, as represented by the Luna Park Reserve Trust. In the absence of a mechanism to secure the profits made on the sale of developments on those sites, there has also been minimal assurance of the long-term viability of the fun park, despite the fact that the Government continues to repeat the mantra that all these developments are necessary for the commercial viability of the park.

I wish to cite examples provided by Protectors of Sydney Foreshore. Lot 1249 DP 48514 relates to commercial strata offices at Milsons Landing. The 99-year lease on the cliff-top site was sold to a Multiplex-owned entity for \$1. A 10-storey strata commercial office development has been built on the site, which has been on-sold for an estimated \$33.2 million. Lot 1 DP 1066900 relates to the proposed site of a 60-metre-high commercial office development. Original plans for the site were for a small, two-storey restaurant, the rest of the space being reserved as public open space. The site is currently the subject of a development application for commercial office development, and a 99-year lease is permitted.

Lot 2 DP 1066900 relates to the 389-space Luna Park car park, which is built within the grounds of Luna Park, where leases should have been limited to 40 years. The car park has been leased to a Multiplex entity for 99 years for \$1. It has been subleased to another Multiplex entity for \$1.89 million per annum. Lot 3 DP 1066900 relates to a cafe brasserie within the grounds of Luna Park. The organisation believes that its 40-year lease has been sublet to a Multiplex entity for \$1 and then on-let to the Roche family for a reported \$19.4 million. A development application has been lodged for the development of a five-screen cinema complex on another part of the Luna Park site. If built, the complex could then be subdivided from the rest of Luna Park and the lease on-sold.

Protectors of Sydney Foreshore have raised these concerns about the Luna Park site being sold off, a little at a time, for minimal return to the people of New South Wales and without a mechanism in place to ensure that profits made on the sale of developments on those sites are retained to help conserve the site and ensure its long-term viability. It is understood that the profits from these developments are available for distribution to shareholders of the relevant Multiplex entity. Upon receipt of the concerns raised by Protectors of Sydney Foreshore, the Leader of the Opposition wrote to the Auditor-General and requested him to conduct an investigation into the sale of long-term leases on public land within the Luna Park zone.

I have raised the issue in this House on a number of occasions. Indeed, the Government has misrepresented the Coalition's position in relation to some of the developments at Luna Park, referring to the one and only debate about the amendments to the Act, in which assurances were given that cliff-top development would be restricted to one site and that a local development plan would be prepared and signed off by the community. The Government has failed to honour those assurances and the community has been sold short. I trust that the Auditor-General will reveal the Government for what it is in relation to Luna Park.

CURRABUBULA

Mr PETER DRAPER (Tamworth) [6.12 p.m.]: I wish to speak about the small community of Currabubula, which is situated about 40 kilometres south-west of Tamworth, on the road to Quirindi. Currabubula, like many villages long deserted by mainstream retailers and services, has a community that remains focused on the positive and seizes opportunities when they arise. The village's historic memorial hall recently staged the forty-second annual Currabubula Red Cross Exhibition, which puts the village on the map for the wider community. An idea of inaugural president Winsome Busby, the exhibition is run by a dedicated band of 35 volunteer members of the Currabubula branch of the Australian Red Cross, whose morning tea and lunch are almost as famous as the exhibition.

The event is the branch's sole fundraiser for the year, and to date it has raised over half a million dollars. This year the figure was \$25,000, with painting sales up 20 per cent on last year. Each year the event draws hundreds of quality entries from across the State and thousands of visitors. While the majority of proceeds are distributed by the Red Cross for the good of the wider community, the exhibition has helped Currabubula establish a name for itself as a friendly, innovative community undaunted by its size and willing to pitch in when called upon.

The village was also put on the map recently due to the acting ability of the local publican's pet goat, Igor. Igor's talents were discovered by the producers of the recent *Superman Returns* movie, which was filmed on the nearby Breeza Plains. Igor now has an award for Best Goat in a Supporting Role for his efforts, and he is

generating unexpected business from curious visitors for his owner, Stuart Scott. Not surprisingly, Igor has become a tourist magnet, adding to the quirky appeal of the village. Liverpool Plains Shire Council estimates the population of Currabubula to be around 250, and they generate annual residential and business rates of around \$25,000.

The population of the village itself has increased in recent years due to the peace and quiet drawing lifestyle seekers who are happy to commute the 20-minute journey to Tamworth. The council is currently considering the draft 2005-06 budget. Capital works to be carried out for the village include a new toilet block for the sports ground, \$250,000 for road works on Currabubula Hill, \$6,000 for the resealing of the main road through the town, \$10,000 for community works, and \$3,000 for upgrading cemetery headstones. The Lorna Byrne Park will benefit from the allocation of \$10,000 for new seats and tables.

Currabubula proudly claims to be the hometown of Lorna Byrne, one of the first women in New South Wales to earn an agricultural science degree. Mrs Byrne was born in 1898, while her father was the schoolmaster at Currabubula. She began her education in Currabubula at the school which today has around 28 students and stages its own art exhibition in conjunction with the Red Cross exhibition. Mrs Byrne became the first female extension officer of the New South Wales Department of Agriculture and studied overseas before enlisting in World War II and becoming a major. She later joined the ABC and became the national presenter of the *Country Hours Women's Section* and later the editor of the women's section of the *Land* newspaper. In 1980 she was made a commander of the British Empire in the New Year Honours List, and she is remembered today in Currabubula by a well-maintained park named for her.

Currabubula's streetscape is characterised by little more than ageing shop fronts, a collection of homes, the hall, a pub, a store and fuel outlet, and most recently a craft shop. Rory and Rhonda Dowd opened Crafty Crafts in January this year after Rory was inspired by those in the district who were highly creative but lacked an opportunity to retail their work. The store features a coffee shop and the work of up to 20 arts and crafts people. Originally a general store, the building had been unused for eight years. Having breathed new life into a beautiful old timber building, Mr Dowd reports the response from locals and travelling customers as fantastic. The shop adds to village life, which includes an active hall and recreation committee, a fire brigade, a pony club, a darts competition, regular bingo nights, and a strong school community with an on-site playgroup.

Derek and Vicki Duncan run the village's store, with Derek's parents, Mervyn and Gwen, having bought the shop some 25 years ago. Today it is a newsagency, post office, grocery supplier, and fuel outlet. The Duncans have renovated to expand their catering capacity to make up for the loss of fuel sales due to escalating prices. Derek left Surfers Paradise to take over the family business 19 years ago, explaining they chose lifestyle and a nice place to raise the kids over money. He said the move from Surfers Paradise amazes people who think you have to be somewhere with a big name to have a good time. Derek says they are wrong: you only need good company—an abundance of which is to be found in Currabubula.

I believe that Derek sums up Currabubula, where houses are now fetching higher prices than in neighbouring Werris Creek, and whose few homes that do go on the market are snapped up quickly. I have no doubt that Currabubula will continue to forge a name for itself in the north-west as an enduring community with a friendly attitude and a lifestyle choice worth considering.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [6.17 p.m.]: The honourable member for Tamworth has brought to life for all of us the lifestyle of Currabubula and the very positive community approach of the 250-odd people in that small village. He referred not only to the annual Red Cross exhibition but to a whole range of social activities and services that are provided in that community, the obvious cohesion of the community around those activities and services, and the ongoing viability of the township itself. Given that it is, as the honourable member said, only 20 minutes commuting time from Tamworth, I am sure the peace and quiet of that community setting would make it a viable place in which to live and obviously a place with a future.

MID NORTH COAST MENTAL HEALTH SERVICES FUNDING

Mr ROBERT OAKESHOTT (Port Macquarie) [6.18 p.m.]: Tonight I will talk about much-needed funding and resources for mental health services on the mid North Coast. I was very pleased to see in today's budget significant funding in the health sector for the radiotherapy unit developments and the expansion of the combined emergency centre, led by ambulance service funding of \$1.35 million. However, over the next couple of years the mid North Coast, but particularly Port Macquarie, will have a unique opportunity to achieve a

significant improvement in mental health services as a result of the \$80 million repurchase earlier this year of the Port Macquarie Base Hospital. The repurchase will allow the mental health unit at the hospital to finally have a gazetted ward. At the moment, people essentially have to be carted out of town either in the back of a paddy wagon or in an ambulance, which is clinically a shameful way to treat people with a mental illness.

I want to touch on some of the key points raised by staff at the hospital. Whilst we seem to argue endlessly in this place about capital works and infrastructure, there is also a parallel need for training, education and, in this location, refresher education and training in dealing with those with mental illness. For example, if we are to get a gazetted ward at Port Macquarie hospital there has to be an upgrading of knowledge of the 1990 New South Wales Mental Health Act relating to formal admission, magisterial review, community treatment orders, et cetera.

There has to be a serious assessment of the need to employ more registered nurses to ensure quality care monitoring and to set standards of care as is expected to be found in a gazetted unit. There has to be greater knowledge regarding the danger, where rapid tranquillisation could be used as a safety and treatment measure, of rapid tranquillisation of clients who may be acutely psychotic and a danger to themselves and others. There should be further training and refresher continuing education courses regarding the development and maintenance of a therapeutic mix, which may include managing clients who are violent and may need restraint or containment.

There has to be cultural knowledge and education regarding the assessment and treatment of indigenous people. There also has to be training in psychotherapy models such as interpersonal and cognitive behaviour therapy and management strategies in a changing work environment, and the training has to address the transition from the private to the public sector. Issues surrounding the value of developing an evidence-based clinical practice environment, which is facilitated by clinical nurse consultants and senior nurses, need to be addressed.

It is important to develop support groups for minority workers, including consumer representatives and indigenous mental health workers. There is a need for adequate training in psychiatry and the establishment of a variety of consultative mechanisms to improve and sustain high quality care across the area. These are just some of the issues that sit alongside the ongoing debate about basic capital needs to which I hope the Minister for Health gives serious consideration.

The improvement of Lifeline services is another unique opportunity in Port Macquarie—and potentially right throughout New South Wales. Most members would know that Lifeline is a vital community telephone counselling service. Importantly, it now deals more and more with people who have a mental illness and it is becoming a bit of a fallback and stopgap service for a range of government departments, not only the Department of Health but also NSW Police, the Department of Community Services, and other relevant government departments. So, as well as putting up my hand for better training and education for mental health services on the mid North Coast, I flag the need for a serious assessment of the role of Lifeline in the delivery of better services for the mentally ill. I know that Lifeline is lobbying hard for \$3 million recurrent funding for the training, supervision and mentoring of telephone counsellors across its 16 centres. Hopefully, all members would support that call for funding. This is an argument about investment not only in physical infrastructure but also in human infrastructure.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [6.23 p.m.]: I thank the honourable member for Port Macquarie for his very thoughtful input to the complex range of issues, concerning not only capital needs for mental health services but all the issues relating to servicing those needs. I speak with particular knowledge because my father suffered from a psychotic illness, which eventually led to his death in Port Macquarie hospital. My father died almost 20 years ago but I know that there is still a great need in regional areas for the sorts of services the member has spoken about. I know that the honourable member for Port Macquarie will continue to be a very strong advocate for the development of those services, as he just proved himself to be, and for the role that Lifeline plays in telephone counselling not only those with mental illness but also many people suffering what I would call the stress of day-to-day life, particularly at present in country areas, where drought and unemployment are a concern.

Private members' statements noted.

CIVIL PROCEDURE BILL**NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL**

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

[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.26 p.m. The House resumed at 7.30 p.m.]

DUST DISEASES TRIBUNAL AMENDMENT (CLAIMS RESOLUTION) BILL**Second Reading**

Debate resumed from 5 May 2005.

Mr CHRIS HARTCHER (Gosford) [7.30 p.m.]: The Dust Diseases Tribunal has the unique record throughout Australia of being a specialised tribunal which has long dealt with the difficult problems of individual suffering from different varieties of dust disease. It was originally established in relation to silicosis, a terrible disease that was prevalent in underground mining, especially in the Broken Hill area. In recent times the tribunal has expanded to cover various other forms of dust disease, the most recent being asbestosis and mesothelioma, two tragic diseases that are still with us today.

The Dust Diseases Tribunal has long been well regarded as a specialised tribunal. In fact, it is so well regarded that people from other States forum-shop to come to New South Wales to bring their applications before the tribunal. The tribunal has been well led, and its judges deserve high praise for their conscientiousness and the way in which they have sought to balance the law and the needs of the individuals who bring applications before the tribunal. I pay special tribute to John O'Meally, the current President of the tribunal, who has done fine work over a long period of time. I pay tribute also to the other judges whom I have met from time to time.

I pay personal tribute to Judge Peter Johns, who is now retired but who was a tireless servant of the law and of those who were afflicted. He acted always within the boundaries of the law and was anxious always to ensure that justice was done, in accordance with the law but with compassion. If there is one phrase that singles out the role of the Dust Diseases Tribunal it is to administer justice with compassion. Over the years these judges have held many bedside hearings with people who were breathing with great difficulty as a result of dust disease, especially silicosis and asbestosis, and suffering in their very last moments. Every person involved in those proceedings must have been greatly affected. The fact that the judges conducted the bedside hearings in accordance with the law yet still retained the respect of the community is truly a remarkable achievement. I believe that the entire community of New South Wales salutes the Dust Diseases Tribunal.

I think all members of this House would agree that the specialised role of the tribunal should continue. The Government, with the support of the Opposition, has brought about considerable amendment and reform to tort law in New South Wales, but the specialised role of the Dust Diseases Tribunal has been unaffected because of its wonderful work and the very real need for a specialised tribunal of this nature. Anybody who sees the victims of asbestosis or mesothelioma, as I have, or who sees the victims of silicosis—I have not, but I believe it is just as serious as asbestosis and mesothelioma—could not help but be moved by the plight of these individuals and the lengthy suffering that so many have had to endure. If society, through appropriate insurance, can make suitable recompense to these people, then I believe it is important that it do so.

The Dust Diseases Tribunal Amendment (Claims Resolution) Bill is, in fact, more than an amendment bill because it restructures the whole operation of the tribunal. I note from the Minister's second reading speech that it has the commitment and support of John O'Meally. I accept that unreservedly. Normally an Opposition would contact various interest groups and ask their views, but it is not appropriate for us to contact the president of a tribunal who is a senior judge. I accept unreservedly the comments of the Attorney General in that respect.

The function of the tribunal will switch from being adversarial to, essentially, a mediation process designed to minimise the amount of conflict and improve the way in which claims are resolved. As the Attorney General has said—and I do not intend to revisit his second reading speech, which set out the matter with great clarity—the bill flows from a report that was commissioned and released on 8 March 2005. The Government agreed to accept the report on that day. I believe that some matters should be above political partisanship, and the redress of suffering for the afflicted should surely be one of them. We support, as would all people of goodwill, any process that can achieve justice with compassion, which has been the hallmark of the tribunal.

I do not intend to go through the history of this matter, which has been dealt with by the Attorney General. It is appropriate that I place a number of points on the record. One is the concern that any person dealing with legal matters has in relation to Acts of Parliament which are themselves subject to regulation. There are sections in the Dust Diseases Tribunal Act that expressly say the Act is subject to any regulation that might be made. Clearly, the regulations must be able to deal with problems and the various unfolding instances that arise. The Government will reply appropriately, through the Attorney General, that the regulations are subject to review and disallowance by Parliament. The fundamental role of Parliament in our society is that it should make the law, and subordinate law should be just that. To have legislation which is expressly subject to regulation is, in that famous phrase that was once used, a Henry VIII clause: it allows the regulation to change the law promulgated by the Parliament.

I raise no objection to that because this legislation is an appropriate attempt to redress a serious evil, which is the suffering inflicted on people by diseases caused by their exposure to asbestos. It is, nonetheless, a point that should be placed on the record. Such legislation should be avoided as far as possible. Whether it is possible to avoid it in this case, I do not know. The Government has the advantage of far more expert advice than that available to me. The Government has rightly commissioned a review of the legislation and it has the advantage of the report on James Hardie, the company which, more than any other single factor, has triggered this restructuring of the claims resolution system in the tribunal. All parties, including the Government, the court and James Hardie, are to be congratulated on working through a difficult process. It should be noted that James Hardie deserves to be congratulated because in the United States of America many companies in the position of James Hardie simply filed for bankruptcy and avoided any responsibility at all.

I am concerned that potentially a vast number of claims could come from people who have worked in government employment, especially for State Rail and the old Electricity Commission. These people have been exposed over many years to asbestos and there is no indication from the Government as to how it proposes to identify or fund these claimants. There are thousands of them. If one aspect stands out about the great powerhouses of the Electricity Commission and State Rail's workshops it is the extensive use of asbestos in those buildings. Asbestos was regarded as a cheap and efficient means of fire minimisation. I understand that many claims are building up as a result of exposure to asbestos because of employment at State Rail and the Electricity Commission.

The Attorney might appropriately say these claims will be dealt with by the tribunal. I have no objection to that: the tribunal sets up the process. However, it is important for the community that an attempt be made to identify those who were in government employment, especially in State Rail and the Electricity Commission, so that their future can be properly provided for. It is not enough for a government to set up a tribunal and say to its employees, "Go to the tribunal." Surely a government should be more proactive and seek to redress the problems of its former employees if it knows that the period of 30 to 40 years that it takes for asbestosis and mesothelioma to develop as a result of asbestos exposure is approaching.

They are the essential points I wish to raise. This is detailed legislation. With the goodwill and competence of the tribunal and the integrity shown by its members the legislation can work. It is important that legislation such as this be preceded by a carefully prepared and effective report. The Government is to be commended for so doing. The James Hardie world tragedy is significant because of the many people who have suffered through exposure to asbestos. It was important that all parties worked their way through that process. I urge the Government to make some attempt to identify what I believe to be the many thousands of its former employees who may be potentially affected. I commend the ongoing work of the tribunal. The Coalition does not oppose the legislation.

Ms LINDA BURNEY (Canterbury) [7.46 p.m.]: I am pleased and proud to speak on this bill, which in essence epitomises decency. It is hard to put into words the emotion that surrounds those who are afflicted with diseases caused by asbestos, particularly asbestosis. The honourable member for Gosford has articulated that well. I welcome his bipartisan support for the bill, his congratulation of the Government for it and his acknowledgement of the worth of it. In the past three or four years in New South Wales and, indeed, across Australia we have come to understand more and more about the nature and effect of diseases caused by exposure to asbestos. Essentially that is what we are talking about here. It was not something that industry alone had to worry about.

In the past few years it became obvious that everyone must feel concerned about asbestos-related diseases, particularly as we now know that much of the damage done to individuals and communities was caused by a lack of understanding of the effect of asbestos fibres on the human body. Not everyone is

completely innocent. We know for a fact that James Hardie knew about the effects of asbestos well before it was made public to its workers. In many ways the company still does not willingly accept responsibility for the great destruction it has caused.

Not long ago I received a delegation of people from Baryugil who came to talk to me about the effects of asbestosis. Tony Mundine was in the delegation. He has since been found to have lung damage arising from working in the James Hardie mines in Baryugil. The whole community was affected by this dreadful disease as a result of working in the Hardie mines. Many years ago, when I knew nothing about this subject, I was involved in the Aboriginal education consultative group. We were being spoken to by parents and teachers involved with Baryugil school. At that time asbestosis was misunderstood and the community was not informed about it. Potholes in the school grounds were filled with white asbestos dust. The kids played in it; it was part of the school. I remember the horror I felt when I heard that information. The New South Wales Government and the Attorney General can hold their heads high because of the way they have pursued the issues with James Hardie. In a sense, this bill reflects the deep concern of our Government about this issue and its decency in dealing with it.

The bill will improve the efficiency with which dust diseases compensation claims are resolved. The issue was first raised in the course of negotiations between James Hardie and the victims groups and unions. It is significant that this bill recognises that victims of dust diseases, in particular asbestosis, have spent much of their lives worrying about not having an efficient system to deal with their claims. Therefore, many of them passed away before their claims were resolved. The bill will ensure that that is no longer the case. As I said, it is about dealing with dust diseases compensation claims efficiently and in a way that makes the victims and families feel safe. A review of legal and administrative costs in dust diseases compensation claims was conducted and the reforms contained in this bill were recommended. The aim of the bill is to reduce costs by promoting the early settlement of claims and streamlining processes and procedures. I underscore the words "early settlement of claims and streamlining processes and procedures". That is important to those who have ended up with dreadful diseases through no fault of their own.

The new claims resolution process will apply to asbestos-related claims and will provide a forum in which information can be exchanged and settlement discussions can be pursued. So it is being done in a consultative way; it is about negotiating and bringing people together. What better way to resolve issues than that! The new process will be commenced by the claimant filing his or her statement of claim with the tribunal. Urgent cases, or cases that become urgent, will proceed through the existing tribunal litigation process, as streamlined by the bill. I underscore the fact that the process has been streamlined. All other claims will proceed through the new claims process.

The key steps in this process will be as follows. First, claimants will complete a standard statement of particulars that will be served with the statement of claim. Second, defendants will prepare a standard form reply. That makes it clear that we are reducing red tape and putting in place standardised forms that people will be able to understand and fill out. Third, defendants will be required to join any other defendants within a fixed time and, fourth, informal settlement will remain an option at any time. Once again we are covering all the options. Fifth, defendants will seek to agree on apportionment of liability; if they cannot agree an independent contributions assessor will determine the apportionment using standard presumptions. The determination can be challenged but only after the claimant's claim is settled or determined. Once again, that is sensitive, sensible and extremely practical.

Sixth, if the claim is not resolved informally, compulsory mediation, to be conducted by an approved mediator, will occur between the claimant and defendants. This must be attended by a person with sufficient authority to make binding decisions on behalf of the party. The claimant will attend the mediation personally unless he or she is too ill. The mediator may require the defendant to be represented by a designated officer of the defendant, such as the defendant's claims manager. Once again, that makes practical sense as everyone involved as a claimant, defendant or whatever has an efficient and sensible say in the outcome. On many occasions parties have been in an adversarial situation and no resolution could be reached. However, we will now have a system in which a resolution is urgent because of the health of those involved.

Seventh, most claims should settle as a result of this mediation. So there will be a mediated process in which there is no overriding formality and an overriding persistence for an outcome. This is about mediation and about everyone involved having a say. Eighth, parties will be able to encourage settlement using offers of compromise, and amendments are being made to ensure that these are more effective. Some claims will return to the tribunal for determination. The bill also improves and streamlines existing procedures in the tribunal

process. In a sense the bill provides a two-stream mediation process. I believe it will be successful because of the way it has been set up and because everybody will have equal rights and everyone will have input. If that is not successful, there will be back-up offers of compromise.

Proposed legislation to introduce uniform civil procedures for courts in New South Wales will apply to the tribunal, modified where appropriate to take into account the tribunal's specialised jurisdiction and the new claims resolution process and, importantly, information on all claims that are settled or determined will be collected and recorded on a central database. This is extremely important. Recently there have been many debates about a range of issues relating to centralised databases. It is better for people to have a central place to which they can refer, and the fact that this will be put in place is commendable. The data will include information on the claimant's injury, the amount of damages obtained and details about the party's legal costs and disbursements.

The Government will be able to request that consolidated reports of the information contained in the database be prepared, and these reports will assist in the review of the reforms that will be conducted once data for the first 12 months is available. Once again, we are saying to the people of New South Wales that if we do not get it right in the first instance there is a process in place for the next 12 months during which things can be refined and improved. At the end of the day at the heart of this are those who have been exposed to asbestos and, as a result, are suffering extreme hardship, ill health and the probability of death. We cannot take that lightly, and it is at the heart of this bill. It is about making things speedier and more efficient in trying to get a resolution for victims and their families and communities in this situation. I referred to a particular community earlier in my speech.

It is in the interests of all parties, claimants and defendants, for the costs of claims to be reduced through earlier settlement of claims and through streamlined processes and procedures. I add that this bill removes the enormous wait that people who are ill and their families often go through because of extremely complicated court procedures. This bill is about making the process much more humane and sensible. It is in the interests of all parties and claimants that we pursue that goal. Under the new process, claims will be resolved more quickly and efficiently. The costs of all parties should be lower and asbestos victims will receive their compensation earlier. What better reason is there to support this bill than those three points—claims settled more quickly, at lower cost and victims will receive just compensation? On those positive, sensible and humane notes I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [8.00 p.m.]: I support the Dust Diseases Tribunal Amendment (Claims Resolution) Bill. As the Attorney noted in his second reading speech, it is intended that the new scheme will be in effect by 1 July this year. In turn, that suggests the need for dealing with this legislation expeditiously. I will accordingly make only some brief comments on the bill. The Dust Diseases Tribunal [DDT] has long been known for introducing new and different ways of dealing with claims. This legislation continues that tradition. The legislation flows from a review of legal and administrative costs in dust disease compensation claims. That review flowed from the negotiations between James Hardie and the other parties. Thus, this legislation should be supported for two reasons. One is that it came from those negotiations, and those negotiations are dependent upon it. The other is that it contains inherently good proposals. Any proposal to sensibly and fairly develop a quicker, streamlined dispute resolution process ought to be encouraged.

From my own time as a litigator acting for personal injury plaintiffs, including several cases in the Dust Diseases Tribunal, I welcome any changes that make it difficult for defendants to dispute the bleeding obvious. Putting claimants to the test of things that are obvious simply costs more time and money, and is a tactic traditionally much used by defendants, insurers and their legal representatives. The terms of reference of the review from which this legislation results meant that the review was to consider current processes for handling and resolving dust diseases compensation claims and to identify ways in which administrative, legal and other costs could be reduced within the current common law system. Desirably, and in my view essentially, this prevented any consideration of a statutory scheme, which is a mechanism so beloved of insurers and others happy to see claimants' entitlements reduced. The only sensible way not to reduce the compensation rights of claimants is to retain the common law system, as has been done in this proposal. The report of the review was released on 8 March this year. The Government adopted the recommendations of the review on the day it was released.

The minute details of the bill and regulation are fascinating to practitioners even if other people's eyes tend to glaze over when we talk about them. However, in common with the uniform civil procedures bill, focusing on the minute details should not obscure the primary point that this is good legislation that should be

welcomed by everyone. The primary provisions in the legislation include the following. There is to be an early exchange of information between the parties. There will also be a commitment to the early apportionment of liability between defendants. This will mean that a claimant will not be delayed by disputes between different potential defendants. In the long run, this will mean savings to defendants. The early apportionment will be achieved by a number of mechanisms. Standard presumptions concerning apportionment will be used if defendants cannot agree. An independent contributions assessor is to be introduced to make a decision on apportionment. That can be challenged but only after the plaintiff's claim is resolved.

A single claims manager will be introduced for multiple defendants' claims. There will also be compulsory mediation. If mediation does not resolve a claim, then a list of facts and issues in dispute will be developed, which means only items in dispute have to be litigated. The DDT will remain to deal with those cases where a party fails to comply with the new process or for medical reasons, presumably where a plaintiff's health is failing. That is an area where the DDT has already done remarkable things. One of the most interesting aspects of these changes is in the development of a mechanism of legal costs reporting. There is simply no material available at the moment as to the real level of legal costs. That applies not only to asbestos-related claims, but to all such common law work, despite much of the dishonest rhetoric of those who pursued changes to civil law liability several years ago. These changes will mean that real and accurate data will be available although in a consolidated de-identified form. Obviously that is necessary if the effectiveness of these mechanisms is to be properly assessed.

I make just two comments about the contribution of the honourable member for Gosford. The first is his apparent complaint that not enough has been done for government employees who might be suffering from the effects of asbestos. I am a little perturbed by what he is suggesting. It seems to me he wants to treat those employees differently from other people who have been exposed to asbestos. That begins to sound like a statutory scheme. It begins to sound like government employees will not have access to the Dust Diseases Tribunal and will not have an entitlement to get the same amounts of compensation as other injured workers. If that is what the honourable member is suggesting, that is an appalling proposition. He should think that through much more carefully. It is not something that anyone in their right mind would want to pursue. On the other hand, I agree with the justly flattering things he said about members of the Dust Diseases Tribunal, particularly the President, John O'Meally. One can only have admiration for a judge who shares the name of a famous bushranger and who is delighted to remind every advocate who appears before him of precisely that.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [8.04 p.m.], in reply: I thank the honourable member for Canterbury and honourable member for Liverpool for their excellent contributions to the debate. I thank the honourable member for Gosford for so graciously supporting the propositions that the Government is making with respect to these alterations to the administration of the Dust Diseases Tribunal. I share the admiration that several members have expressed for the Chief Judge of the Dust Diseases Tribunal, Judge John O'Meally, and his colleagues. Perhaps we should accept an expression I have often heard Judge O'Meally use, "The blessings of all the Saints of Ireland be upon them."

The bill establishes a new claims resolution process for asbestos-related claims. Its aim is to reduce the time taken to resolve claims and, therefore, reduce the legal and administrative costs of those claims. As has been emphasised in the debate, there is a new process involving early exchange of information and compulsory mediation of claims, which should lead to quicker resolution and lower costs for asbestos victims, who will also receive their compensation earlier. It is obviously the case that both victims and defendants will benefit from the new process and from claims being resolved more efficiently. Again I emphasise that the review that has brought about this bill and the development of it involved extensive consultation with stakeholders. I formally thank those who contributed to that consultation in the period immediately before the presentation of the bill to the House. The bill establishes a process for achieving substantial cost savings and a reduction of time in settling claims.

I refer quickly to the observations made by the honourable member for Gosford that the bill is, in effect, implementing reforms more by way of regulation than legislation. The reforms are primarily prescribed by regulation because the new claims resolution process is very detailed and there is, nevertheless, a need to maintain flexibility. The requirements proposed by the regulation are broadly similar to those found in court rules, and that is the point. The new claims resolution process will make a number of changes to the way in which claims are resolved but it has to be capable of adapting to new circumstances as they arise. The features of the new claims resolution process, such as the information that has to be provided to parties, the forms to be completed and the specific time frames for that process, are detailed. To maintain flexibility the review recommended that much of the detail of the new claims resolution process should be prescribed by regulation. I

refer to the analysis of the bill by the Legislation Review Committee. Its remarks go directly to the issue raised by the honourable member for Gosford. Paragraph 5 of the report of the Legislation Review Committee says:

Proposed section 32H provides wide powers for the making of regulations under the Act. These powers enable the new claims process to be implemented by regulation in the *Dust Diseases Tribunal Regulation 2001*. The Bill contains amendments to this Regulation to implement the new claims process.

The committee has gone on in two subsequent paragraphs to say these entirely relevant things:

The Committee will always be concerned to identify when a Bill provides that regulations should modify the application of or prevail over an Act.

I believe the committee is saying it is, in general, disposed to be very sceptical of Henry VIII-type situations. The committee says in its final paragraph:

However, given that the regulation making powers are limited to procedural issues relating to the claims process, the initial amendments to the regulation are included in the Bill, and the Parliament maintains the power to disallow any subsequent amendments, the Committee does not consider that proposed s 32H comprises an inappropriate delegation of the legislative power.

The committee makes no further comment on this bill, neither do I. I commend the bill to the House with some considerable pride.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WORKPLACE SURVEILLANCE BILL

Second Reading

Debate resumed from 4 May 2005.

Ms LINDA BURNEY (Canterbury) [8.12 p.m.]: I speak on the Workplace Surveillance Bill, which relates to an important topic that is at the forefront of the minds of many Australians today. We only need to remind ourselves of recent media about the Qantas baggage handlers and the discussion it has generated about workplace surveillance. This bill does not address that particular situation, but relates to workplace surveillance in a broader sense. I make the point to draw attention to the importance of the bill and the discussions taking place in industry and the general community. This bill may not be considered an important bill. However, when I was working within a government agency there was discussion amongst the workers about workplace surveillance, particularly in relation to the use of computers and emails. Many aspects of the bill may not seem at first glance to be of relevance to many people, but it is an important bill.

The bill provides a sensible and workable regime for ensuring that covert surveillance of employees by employers is limited to that justified by a magistrate. The role of the magistrate is to act as, for want of a better term, an honest broker in determining the way in which employers undertake surveillance of their work force. The bill requires that other surveillance is to be notified to employees. The notification requirements are not onerous. They do not place a great strain on employers. Employers complain that they have to comply with so many regulatory frameworks and there is much for them to think about. I re-emphasise that this bill does not make the task of employers in the surveillance of their employees more onerous.

For instance, press reports have indicated that employers may prefer to shut down all Internet access rather than meet the notification requirement of the bill. That seems alarmist, but there have been such reports. To shut down all Internet access would be a bull-headed, reactionary and ultimately self-defeating response to a requirement that employers notify employees in advance of their computer, email and Internet policy in such a way that it is reasonable to assume that the employees are aware of and understand the policy. I pause to make some observations. As members of Parliament we are all in the position of employing electorate office staff. It would be unconscionable for me not to take the decent position of advising staff of surveillance practices. I find it incredible that any employer would not advise staff of surveillance processes, not just because it is the right thing to do but because there must be trust in the work place. Any trust would be obliterated if there was not a clear and transparent declaration by the boss to employees about surveillance practices. It would be an incredible expectation by any employer to be able to have a free hand when keeping an eye on staff.

I would have presumed that this was best practice in a world where we read reports of employee dissent in the face of dismissals arising from inappropriate use of computers at work. Many such employees complain that they never realised their employer had any computer usage policy, let alone one that would result in dismissal if the policy were broken. I can speak on that issue from a personal perspective. In a busy organisation, large or small, there are many policies, procedures and practices, which, even with the best efforts, would not be known by every single person in the workplace. The intent of the bill is to alleviate the situation where there could be employees who do not know the procedures and processes. I repeat that many employees complain that they never realised their employer had any sort of computer usage policy, let alone one that would result in their dismissal. Surely one would consider that ensuring an employee was aware of and understood any such policy was an important task of management.

Management is a very complex activity and there are a million things a manager has to think about, but it is crucial that trust and understanding exist between employer and employee about policies, and policies about usage of computers in particular. That is relevant to this debate. Some people continue to claim that the bill will prevent employers from examining emails. All the bill requires for most surveillance is that employees are properly notified. I think that is absolutely reasonable. Where is the great imposition on employers? This bill states that employers have a responsibility to ensure that the people they employ understand the policies and procedures around workplace surveillance. That is a reasonable expectation for employees to have and a reasonable impost on employers to undertake.

It is not enough for employers to claim that employee use of an employer's infrastructure is a privilege and not a right. It may be that those who believe that also believe that occupational health and safety laws should not apply in workplaces—after all, how dare the Government impose such restrictions on employers! At the end of the day what we are talking about are rights. We are talking about rights and the responsibility of employers to ensure that their staff understand the company's policies and the rules about the use of infrastructure, in particular in relation to computers. It is about the right of employees to be given that information and to understand it, but it is also about their right and their responsibility to act within the workplace policies and procedures in relation to surveillance.

Some people are missing the point. Society functions as a unit. Restrictions are placed on the behaviour of every individual and every organisation. Ownership of infrastructure does not, in and of itself, deliver the right to spy on one's employees. There are other interests to be balanced. One of those is the privacy interest of employees. While employers need to be able to monitor emails received by their employees, indiscriminate use of such technology can result in breaches of employee privacy. What the Government is seeking is for these competing interests to be addressed in a sensible and workable manner. I presume that is not too much to ask in a day and age when technology renders us all subject to be photographed and recorded every time we step outside our homes. With cameras in mobile phones, tiny video recording devices, and spy ware on our computers, a requirement that employers notify employees is a sensible and moderate response.

Honourable members recall the fears of the Big Brother era, but they are still very much with us. At the end of the day the Workplace Surveillance Amendment Bill is about creating balance. It will make sure that employers understand their responsibility in ensuring that their employees understand what the policies and procedures are; and that employees understand their rights and responsibilities in relation to the use of infrastructure, particularly in relation to information technology. Those concerns should certainly be considered, while debate is ongoing in the Australian community about issues to do with Qantas procedures and so forth, but the bill sensibly and clearly sets out the responsibilities and rights both of employers and employees in relation to workplace surveillance. I commend the bill to the House.

Mr CHRIS HARTCHER (Gosford) [8.23 p.m.]: The New South Wales Labor Council has been agitating for this legislation for a considerable period and the bill is yet another example of the Carr Labor Government bowing to the wishes of the trade union movement and the Labor Council. The legislation essentially re-enacts the old Video Surveillance Act of 1998. What it does is add to it a series of clauses designed to placate the Labor Council in relation to industrial activity. The New South Wales Government continues to regard itself as having the right to intrude into and regulate every workplace, and its constant disregard for employment creation is a mark against the Government as much as is its constant taxation, which is designed as a disincentive to business in New South Wales.

The Labor Government released the Workplace Surveillance Amendment Bill for public comment in June 2004. There was considerable public comment opposing the legislation, but in the end the Government decided to proceed on two bases. First, the Government gave us the video surveillance legislation but widened it

to include computers. Secondly, it ensured that employers were not able to become involved in industrial activities by employees. These were the principal themes which underlined the legislation, however much the Government wishes to dress it up as an issue of privacy or so-called balance. It has no relationship to balance; it has everything to do with the demands of the Labor Council.

What is the Labor Council trying to do? The Labor Council and the trade union movement, aided and abetted by the Government, are trying to allow employees to engage in industrial activities in the workplace; to send and receive emails related to industrial activities; to access industrial relations sites; and to be able to do all of this in the employer's time. The employer has been good enough to them a job. The employer has been good enough to ensure that they have an opportunity to fulfil themselves through a worthwhile career yet the Government's response is to tell the employer how they can monitor and use modern technology.

Modern technology is always evolving. Attempts by the Labor Party to intrude into it will in the end be to no avail. Technology will change; the Labor Party and the trade union movement look as though they will always be slow in catching up with the changes to technology. Essentially, there is nothing worthwhile in the bill. The Video Surveillance Act was already in existence and that Act controlled the way that video surveillance could be used. As I say, the bill simply extends it to computers.

The Premier, when confronted last week with the illegal activity taking place at the airport, immediately agreed that any legislation that was necessary to suppress illegal activity at the airport would be introduced by him into the Parliament. That was the Premier's comment. The Premier's comment was interesting in that it demonstrated that the existing legislation was defective. If the existing legislation had been adequate, the Premier would simply have said the existing legislation is in place and all that is necessary is for the employers to make application and the existing legislation would cover them. But, no, the Premier admitted that the existing legislation is restrictive, that the existing legislation goes too far, and that if the illegal activity, especially in the cargo handling section of the airport is going to be brought to a halt, special legislation would be needed.

There is no need for the Opposition to ask anyone to take our word for it; the words of the Premier stand immortal. The Premier has been described by the honourable member for Wyong as having the same intellectual capacity as the Minister for Gaming and Racing, but I will not go into that. This legislation is defective in a number of respects and, of course, the Government has ignored those defects. The Coalition gives notice that it will seek to amend the legislation in the Legislative Council.

The first issue that needs to be addressed is computer surveillance. The definition given for "computer surveillance" could easily include information or data created by employees which is logged or recorded in data back-ups or computer performance monitors. This information can be later retrieved to ascertain computer or systems performance but may include records of individual computer use, which can be linked to individual employees. The bill needs to clearly state that data back-up and computer system analysis can be conducted without risking a breach of the legislation. The intention of this activity is not to "spy" on a particular employee, but it could be argued that base programs for many servers or systems make this possible. Accordingly, it is essential that the legislation, at the very least, be amended to ensure that this form of activity is not considered a form of computer surveillance.

The next issue that needs to be addressed in the legislation is white listing. Everyone is familiar with black listing of Internet sites that are prohibited areas. Currently, each day when members of Parliament log on to their computer they are required to undertake that they will not access through the Internet various prohibited sites, such as pornographic sites. When logging on to the computer, one is deemed, by virtue of the warning notice that flashes on the computer, to be accepting that requirement. It is acceptable practice throughout the world and throughout business to have certain sites that employees cannot access. Indeed, some two years ago the Government took action against a number of public servants who were using their computers to access pornographic sites. White listing refers to the listing of approved Internet sites that employees can access through their computers.

In essence, the Government is saying that industrial sites are to be deemed white-listed sites. The whole thrust of the bill is to ensure an interrelationship between employees and the trade union movement. The trade union movement is a declining force in Australian society. Only one in six employees in the private sector now belong to a trade union, and the percentage falls each year. There is a march of private sector employees out of the trade union movement. Indeed, the only area of influence the trade union movement continues to have is over the Australian Labor Party, as manifested by this legislation and by so much of the legislation that is presented to this Parliament.

The trade union movement is anxious to ensure that employees or activists in the trade union movement have access to industrial sites run by the union movement, such as the rather absurd Internet site titled *Workers Online*, and it is seeking to block employers from prohibiting such access. The political context of the bill is that the union movement does not want employers spying on employees while they read their union emails or industrial advice, or access industrial content on the Internet. No-one objects to employees reading industrial advice or accessing industrial sites on the Internet, but it should be done in their own time. It is also not appropriate that they use their employers' facilities to access such sites.

The bill forces employers to allow their employees to access this information freely on the Internet and on their email systems. The bill also prevents employers from blocking industrial content, that is, making union web sites inaccessible by black listing the web sites and preventing an Internet server from allowing an employee to access them. However, some employers use white lists, a limited list of Internet sites that employees can access for work purposes. All other web sites are then disallowed. Under the bill, it is unclear whether employers will be able to exclude web sites of industrial content from their lists. Often these employers allow limited but high-speed access to a few specific web sites to allow employees to conduct their work. It must be stressed that all web sites are blocked under a white list system, save for a few specific task-related sites. Amendments must be made to the bill to ensure that employers are not forced to proactively add web sites of industrial content to their white lists.

Clearly, video surveillance is a problem that needs to be tackled. No-one disputes that workers in toilets or bathing facilities should not be videotaped; the practice is clearly objectionable. As the Premier indicated with regard to airport cargo handling, the fact that video surveillance is used to prevent criminal activity is of fundamental importance. No-one objects to a fair system regarding the regulation of video surveillance. However, the Video Surveillance Bill simply did not go far enough for the trade union movement. The trade union movement wanted the bill extended, and this bill represents that extension. It represents an extension to the entire information technology industry, rather than simply to video surveillance.

The bill ensures that the trade union movement can use employers' facilities and employers' time for its own industrial purposes. In that sense, the Opposition rejects the legislation. It is not appropriate that trade unions or trade union activists use employers' facilities or employers' time for their own activities. If these activities, which may be perfectly legitimate, are to take place, they must be done in the employee's time, using the employee's facilities. Through this legislation, the Government and the trade union movement are trying to create a scenario that would allow the use of employers' facilities and employers' time for the decaying and dying activities of the trade union movement in this State.

I indicate that the Opposition will move the appropriate amendments in the Legislative Council. I do not subscribe to the argument presented tonight that the bill somehow achieves a balance. Indeed, it does not achieve a balance. The Government and its members are engaging in, at the very best, self-delusion and, at the very worst, mendacity in presenting to the House that the legislation is balanced. In fact, the bill represents a clear tilt towards the Australian Labor movement, and the trade union movement in particular, and the trade unions that love to interfere in the operation of businesses. A number of trade unions accept the fact that if a business is to be successful and prosperous, if it is to create jobs, it needs to be allowed to do the things it does best because that is how people get jobs. The trade unions—apparently, the trade unions that the Government supports—simply regard business as evil, and they do everything they can to frustrate it and make things as difficult as possible. This legislation simply facilitates that.

There is no reason for the Government to congratulate itself on this bill. The existing video surveillance legislation, if it was necessary, was enough. There has been no public demand for a review of the Video Surveillance Act 1998. The only demand for new legislation in this regard came from the trade union movement. No other section of society sought this legislation; no other section of society made representations for it. It is a creation of the trade union movement, and it shows the influence of the trade union movement. The trade union movement represents only one in six of all private sector employees. As I said earlier, there is an ongoing march of private sector employees out of the trade union movement.

The only section of society in which the trade union movement has any impact is the public sector, which, of course, has to deal with the Carr Labor Government—and anyone dealing with this Government needs all the support they can get. That explains why there is still a reasonably high level of union activity within the public sector, but the majority of public sector workers—some 55 per cent—are not members of a trade union. And in the private sector, union membership continues to fall. The Australian Labor Party has nothing to congratulate itself on with this legislation, which simply represents a further kowtowing to the trade union

movement and is a further manifestation of the party's connection with a declining part of Australian society. This legislation will not achieve anything other than to wed the Australian Labor Party even more closely to the Labor Council of New South Wales—or Unions NSW, which is the modern title of the Labor Council in this State.

Ms ANGELA D'AMORE (Drummoyne) [8.40 p.m.]: I wholeheartedly support the Workplace Surveillance Bill. New South Wales was the first State to introduce a law regulating video surveillance in the workplace, and again it is the first State to address surveillance issues arising because of the use of new technology in the workplace. It is important to recognise the role that the Workplace Video Surveillance Act 1998 has played in the development of the bill. The Act has been operating for more than five years. Each year employers apply to magistrates for a covert surveillance authority and each year the vast majority of applications are approved. There is no indication that the regime creates an enormous burden on employers. If an employer suspects that an employee is involved in unlawful activity, the employer can make the requisite application to the Local Court for a covert surveillance authority.

The success of the Workplace Video Surveillance Act indicates that it provides a more than adequate basis for the regulation of workplace surveillance in general. This Government recognises that there will be circumstances where the covert surveillance of employees will be warranted. But there needs to be strict control on such behaviour. It cannot be generally acceptable for an employer to secretly videotape an employee or track their movements or read their emails. Under this bill, such action must be authorised by a court.

Where an employer is suspicious that an employee is involved in unlawful activity, the first response should not be simply to apply for a covert surveillance authority; there may be other simpler and less intrusive ways to deal with suspected crime in the workplace in the first instance. Therefore, upon applying to a magistrate, an employer must not only justify why covert surveillance is required but also state the outcome of any other managerial or investigative techniques that have been undertaken to detect the unlawful activity.

The application requirements are not burdensome. If anything, they provide a useful checklist for employers to examine, when deciding whether covert surveillance is justified, what they hope to achieve by conducting the surveillance, and how and when any covert surveillance will operate. If the magistrate is satisfied that there are reasonable grounds to justify the issue of a covert surveillance authority, the magistrate will issue it. The magistrate must consider whether covert surveillance of an employee might unduly intrude on their privacy or the privacy of another person, and must have regard to any heightened expectation of privacy in places such as meal rooms.

The magistrate must also have regard to the seriousness of the unlawful activity with which the application is concerned. The covert surveillance authority is issued on a prescribed form, which provides information to the employer and the surveillance supervisor, limiting the covert surveillance. The surveillance supervisor must be someone with qualifications or experience that suit the person to be responsible for overseeing the surveillance.

There are various restrictions on the use to which covert surveillance records can be put. In general, employers will be able to use covert surveillance records for a relevant purpose, such as one associated with the prosecution of an offence. Employers will not be able to use covert surveillance records for whatever purpose suits them. Covert surveillance is very privacy-intrusive, and there must therefore be limitation not just on the surveillance but also on the use or disclosure of the results of any covert surveillance. Finally, there is to be a report on the use of a covert surveillance authority, and the report must be provided by the employer to the issuing magistrate within 30 days of the expiry of the authority. There is a fine for not providing the report.

Under the current Workplace Surveillance Act there is no penalty for not providing the magistrate with this report. However, this has resulted in a distinct lack of accountability on the part of employers, many of whom do not report back to the magistrate. When the magistrate receives the report he or she may make such orders as appropriate with respect to the use or disclosure of any covert surveillance record. This can include informing any employees of the surveillance. On balance, this is not as oppressive as some commentators—especially the Opposition—would have us believe. Far worse would be to allow unhindered covert surveillance of employees by employers; that would be unAustralian. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [8.45 p.m.]: I was not absolutely committed to speaking to the Workplace Surveillance Bill until I heard the quite extraordinary performance by the honourable member for Gosford. I have seen some pretty bizarre performances in this place but I never cease to be amazed by the

presentations of the honourable member for Gosford. Of course, he was not here when the bill was called on; he was supposed to lead for the Opposition but he was not here on time. Having had to wait for him to arrive, I was somewhat disappointed that his performance was so utterly unrelated to the bill.

While the honourable member for Gosford was rabbiting on, the Attorney General suggested to me that there are some issues that just bring out the maddies. It is a bit like fluoride in the water: this is one of those issues for the honourable member for Gosford. We talk about workplace surveillance and all of a sudden the honourable member for Gosford goes off—bang—totally into the stratosphere; no connection with the real world; certainly nothing of substance in connection with this bill.

The honourable member for Gosford kept spouting throwaway lines as though he had not actually thought about what they meant. On the one hand he said that there was nothing at all worthwhile in this legislation, but then he spoke about worthwhile amendments. If there is nothing worthwhile in the bill one would think he would simply vote against it. But no, that is not what he said. He said, "We will move some appropriate amendments." It is almost too much to expect consistency from the honourable member for Gosford—but just occasionally a bit of intellectual credibility would help.

The rest of the rhetoric that the honourable member for Gosford came out with was *Mad* stuff. As he was spouting I made the note: "Mindless, ideological dross from a mindless, ideological drudge." It was extraordinary stuff. I wonder how many members have been watching a television program called *North and South*, which is about industrial conflict in industrial England in the mid-nineteenth century. The honourable member for Gosford was like a character out of that program. He is like someone who still thinks that workers ought to be ground down and destroyed, that unions ought to be eradicated, and that anyone who joins a union ought to be shot.

As I said by way of interjection, the honourable member for Gosford would have made a wonderful industrial relations Minister for Pinochet. That is the sort of nonsense we copped from him this afternoon. He really should come into the real world and understand that unions have an entitlement, that they are legitimate organisations and, strangely enough, that their existence inevitably comes out of an employer-employee relationship. A union is nothing more than an organisation of employees who want to be represented and have their rights protected. That is all that unions are. For the honourable member for Gosford to say that they should be banned from the workplace, that they should have no role in the workplace, is just crazy.

Despite having said there was nothing of merit in the bill at all, the honourable member for Gosford went on to agree with some of it: for example, that video cameras should not be in toilets. Presumably, if a worker went to the toilet and tried to phone the union there he would think there ought to be a video camera in there. The logic of his position is just utterly bizarre. As I said, I have seen some pretty bizarre things in this place and one really should not be surprised by the callisthenics the honourable member for Gosford engages in, but he gave one of his rarer performances this evening. It brought no credit to the House and no credit to him. It would be nice if he occasionally addressed the relevant subject-matter rather than engage in rhetoric.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [8.49 p.m.], in reply: Workplace surveillance is a sensitive issue that requires a degree of balance between the interests of employers and the interests of employees. This bill finds that balance, as has been sufficiently demonstrated by the contributions by the honourable member for Canterbury, the honourable member for Drummoyne and the honourable member for Liverpool. Indeed, it has been sufficiently demonstrated by the fact that, with an extraordinary burst of quite nutty propaganda, the honourable member for Gosford opposed the bill in terms that could only be described as deeply irrational. I wish to clarify a couple of matters in relation to computer surveillance. First, clause 17 (4) states:

An employer's policy on email and Internet access cannot provide for preventing delivery of an email or access to a website merely because:

- (a) the email was sent by or on behalf of an industrial organisation of employees or an officer of such an organisation, or
- (b) the website or email contains information relating to industrial matters (within the meaning of the *Industrial Relations Act 1996*).

This provision is to meet concerns that employers could otherwise deliberately block emails sent by industrial organisations. However, it is not the case that this will require employers to provide email access to employees or that this will require employers to provide Internet access to particular web sites. The key phrase here is "merely because". For example, if an employer has a policy of not allowing access to any external Internet sites

on its computers, there will be no compulsion to provide access to web sites containing information relating to industrial matters. That is because Internet access to web sites containing industrial matters is being prevented on the basis that all access to external web sites is blocked.

Similarly, if an employer operates a white list—in the midst of his unintelligible commentary, the honourable member for Gosford mentioned white lists—that is, a list of Internet web sites that access is provided to, the employer will not be forced to add web sites containing industrial matters to the white list. However, an employer will be prevented from adding Internet web sites containing industrial matters to any black list, that is, a list of Internet web sites that are blocked, unless there is reason for doing this, other than the fact that the web site contains industrial matters. For instance, if a web site containing industrial matters also contained content that was considered to be harassing or offensive, an employer would be able to block access on that basis.

Second, computer surveillance is surveillance by means of software or other equipment that monitors or records the information input or output, or other use of a computer. It includes the sending and receipt of emails and the accessing of Internet web sites. A number of people have read this to mean that all monitoring or recording of the use of a computer is computer surveillance, but that is not the case. The bill requires there to be surveillance, as that term is ordinarily understood. The definition of "computer surveillance" therefore does not cover normal business practices—and reluctantly I respond to the arguments of the honourable member for Gosford—such as backups of hard drives, network performance monitoring, software licence monitoring, computer asset tracking, computer asset management, or the normal saving of documents, because these are not normally considered to be surveillance activities.

For instance, if backups were to be used to conduct surveillance to facilitate the reading of somebody's emails, that would need to be notified to employees, otherwise it would be considered to be covert surveillance. This is a commonsense approach to computer surveillance. Obviously, there are many functions of a computer that require the recording of activities. This has been acknowledged. Only surveillance activities such as reading emails, watching every web site a person goes to, logging individual keystrokes or covert observation of everything that an employee does on his or her machine require notification. Everybody understands that that list of activities is what one would call "surveillance". Computer surveillance is surveillance by means of software or other equipment that monitors or records the information input or output or other use of a computer, as I have said. It includes the sending and receipt of emails and the accessing of Internet web sites.

The shadow Minister for Industrial Relations, the honourable member for Gosford, has been quoted in the press as saying that the bill was an "extraordinary intrusion into management rights". I am not sure that he used those exact words during the course of the debate, but that was certainly the gravamen of his contribution. He implied that the bill would permit employees, and indeed unions, to somehow intrude into the rights of management in some bizarre or extraordinary fashion. It is only an extraordinary intrusion into management rights if one believes that employers should be able to install covert video cameras in people's offices, meal rooms or toilets.

It is only an extraordinary intrusion into management rights if one believes that employers should be able to secretly install tracking devices and monitor people wherever they are, even if they are not at work. It is only an extraordinary intrusion into management rights if one believes that employers should be able to secretly read an employee's emails. Would honourable members opposite care if their emails were secretly being read and distributed—in other words, if their emails were being read and distributed and they knew nothing about it? Or is it merely the case that honourable members opposite do not care about the rights of ordinary employees?

This bill is only an extraordinary intrusion into management rights if one believes that informing one's employees of the ways in which they are under surveillance is burdensome and is in no way related to best workplace practices and if one prefers to allow employers to create a climate of mistrust in their workplace by covertly conducting surveillance of employees.

I conclude by referring specifically to Sydney airport and the activities of some baggage handlers, which in recent days have caused debate about electronic surveillance. Often the debate has been conducted in the media in an extremely confused fashion. It is appropriate that I comment directly on Sydney airport and baggage handlers, and the implications of this bill in that context. As a result of questions about the operation at Sydney airport of the New South Wales workplace surveillance legislation, I met earlier this week with the Chief Executive Officer of Qantas, Mr Geoff Dixon, and the Chief Executive Officer of the Sydney Airports Corporation, Mr Max Moore-Wilton, to discuss the use of surveillance cameras at airports and inside aircraft.

They raised concerns about the extent to which the New South Wales legislation might prevent Qantas and other airlines from conducting covert surveillance of terrorists or drug-related activities. In particular, they raised concerns about the placement of covert surveillance cameras in the holds of aircraft. I should emphasise that neither the Workplace Video Surveillance Act 1998—the video surveillance legislation that has been in place for five years—nor this bill, which is influenced by the measures in the original Act, prevents law enforcement agencies from carrying out their duties at Sydney airport.

This legislation is directed exclusively to the circumstances in which employers use overt and covert surveillance. The first point is that this bill has nothing to do with law enforcement or law enforcement agencies. Video surveillance has been regulated in New South Wales since 1998. At no stage in the past has the Commonwealth Government, Qantas, or the Sydney Airports Corporation raised any concern that security operations at the airport were in any way compromised by New South Wales surveillance legislation. However, as a result of recent concern and following my discussion with Qantas and the Airports Corporation, I have written to the Commonwealth Minister for Justice and Customs, Senator Chris Ellison, to begin a discussion with him about the most suitable way to ensure that surveillance operations at Sydney Airport are in no way affected by workplace surveillance legislation.

In particular, it is not clear that any amendment to the New South Wales legislation would provide the certainty required to allow Qantas to conduct covert surveillance operations at Sydney Airport. Merely amending the State's legislation would not meet the concern of Qantas relating to its planes crossing into other Australian jurisdictions. Other Australian jurisdictions have surveillance devices legislation that may impact on the ability of Qantas to conduct covert surveillance. In any event, given the cross-jurisdictional issues that need to be addressed, it may well be that the most appropriate response—indeed, I believe it is certainly the most appropriate response—is for the Commonwealth to legislate to ensure that any covert surveillance conducted by Qantas is on a proper footing. This also makes sense when we consider that Sydney Airport and the other major Australian airports are actually on Commonwealth land.

The Commonwealth already has in place a variety of legislation dealing with air travel, including the Aviation Transport Security Act 2004 and the Airports Act 1996. The Aviation Transport Security Act establishes a number of mechanisms to safeguard against unlawful interference with aviation. One of the objectives of the Airports Act is to establish a system for the regulation of airports that has due regard to the interests of airport users and the general community. Given that Qantas is concerned about covert surveillance in response to the threat of terrorism and drug smuggling, it would seem preferable that strong consideration be given to amending one or both pieces of Commonwealth legislation rather than attempting piecemeal amendment of various State and Territory legislation.

In any event, the State will continue to offer unequivocal co-operation to the Commonwealth, Sydney Airports Corporation, and Qantas in this context, remembering that the purpose and operation of our workplace legislation is no more than a commonsense, balanced initiative that seeks to deal with circumstances that have never before existed. They are circumstances in which, on an everyday basis, the workplace potentially can be subject to all manner of surveillance and invasion of privacy that it has not been possible to use before. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

RURAL WORKERS ACCOMMODATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.05 p.m.], on behalf of Mr Grant McBride: I move:

That this bill be now read a second time.

This bill arises out of the recent review of the Rural Workers Accommodation Act 1969 conducted by WorkCover as part of the Government's National Competition Policy obligations. The purpose of the review was to examine any restrictions on competition imposed by the Act, and to determine whether they were

outweighed by a net public benefit. The review concluded that the occupational health and safety benefits of providing rural workers with accommodation in particular circumstances outweighed any restrictive effect of the requirement to provide it. Stakeholders who were consulted in the course of the review supported retaining the requirement on occupational health and safety grounds. Accordingly, the review recommended that the requirement in the 1969 Act to provide accommodation remain, but that significant structural amendments to the legislation be made.

The bill gives effect to this recommendation. The bill significantly amends the 1969 Act while retaining the principal requirement that employees who, because of the nature of their work, are required to live on rural premises for more than 24 consecutive hours must be provided with accommodation. The bill has been developed after lengthy consultation with key rural industry stakeholders, including the Australian Workers Union, Unions New South Wales, the New South Wales Farmers Association, Employers First, and the Shearing Contractors Association of Australia. The Australian Workers Union and Unions New South Wales support the bill.

Legislation to ensure that rural workers are provided with reasonable accommodation has been in place in New South Wales since 1901, when concern about the poor working conditions endured by shearers and other rural workers led to the introduction of the Shearers Accommodation Act. This Act formed the basis of the Rural Workers Accommodation Act 1969, which is still in force. However, the existing regime is highly prescriptive, and allows no flexibility for landholders. The 1969 Act is written in arcane language and will benefit from being updated in line with the Government's commitment to plain English legislation. It also contains a number of provisions that have been made obsolete by other legislation.

The amending legislation will protect all rural workers, whether they are directly employed or they are contractors. Shearers in New South Wales, a group of workers whose work regularly requires them to stay overnight at the rural premises where they are working, are particularly affected by this legislation. I understand that shearers are often engaged as contractors and not as direct employees, and technically may not be covered by the terms of the existing regime. The broad application of the bill will ensure protection for all rural workers, regardless of the employment practices in the industry they work in.

I now turn to the specific provisions. The bill retains the existing requirement on persons controlling rural premises to provide suitable accommodation to rural workers who are required to stay on the premises for more than 24 hours. Instead of the old-fashioned, prescriptive requirements contained in the current bill, a code of practice—which is now being prepared in consultation with industry stakeholders—will provide guidance about what kind of accommodation is suitable. The responsibility to provide accommodation rests on the controller of the rural premises. This simply updates the concept used in the existing legislation, which applies to landholders. Employers will only be required to provide accommodation when they also happen to be controllers of the premises on which the rural workers work.

The bill harnesses the provisions of the occupational health and safety legislation that relate to inspectors and enforcement. To ensure a more flexible and efficient compliance regime, people appointed as WorkCover inspectors under the occupational health and safety legislation will also be inspectors under the rural workers accommodation legislation. Inspectors will be able to exercise the full range of their powers in respect of the rural workers accommodation legislation. This includes issuing investigation, improvement and prohibition notices. Practical guidance about what kinds of accommodation it is suitable to provide in different circumstances will be given in a code of practice made under the new Act. The code of practice is being developed in close consultation with industry stakeholders.

The bill will not be commenced until the consultation is complete and the code is in place; the bill and code will be implemented and operate in tandem. The current regime will stay in place until the bill commences. In summary, this bill recognises the particular situation of rural workers and puts measures in place to protect them so as to ensure that all New South Wales workers are on a level footing. The bill ensures that people working on remote rural premises are not disadvantaged just because of the location of their workplace. The bill also ensures that the legislation governing the requirements to provide accommodation to rural workers is in line with modern regulatory standards. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

FIRE BRIGADES AMENDMENT (COMMUNITY FIRE UNITS) BILL

Bill introduced and read a first time.

Second Reading

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.12. p.m.], on behalf of Mr Carl Scully: I move:

That this bill be now read a second time.

One of the most successful and growing bushfire protection initiatives over the past four to five years has been the Community Fire Unit [CFU] Program. Under this program, groups of residents living close to the urban-bushland interface are trained and equipped by the NSW Fire Brigades to assist with the defensive protection of their homes from bushfire. The CFU Program was first established after the disastrous 1994 Sydney bushfires. At that time community feedback to the Fire Brigades included comments that people felt helpless when firefighting resources were not immediately available in a bushfire emergency. They wanted to help protect their homes but lacked the necessary knowledge and equipment. The real growth in CFUs occurred in the aftermath of the severe bushfires this State experienced over the Christmas-New Year periods in 2000 and 2001, particularly in and around Sydney.

Today we have 280 CFUs in various locations, made up of 4,700 volunteer members, including 1,640 women. By October this year the Fire Brigades anticipates that another 32 units will be established, taking the number of units around the State to 300, with a total of more than 5,000 members. New units are to be established around the Sydney Basin and in regional areas, including Albury, Singleton, Goulburn, Nowra and Tweed Heads. The units are trained by the Fire Brigades and receive a CFU trailer or box which is equipped with basic firefighting equipment including a pump, hoses and protective clothing such as overalls, helmets, boots and gloves for each member, at a cost of \$15,000 to \$20,000 per unit. Typically, a Community Fire Unit will comprise residents who live in a street adjacent to bushland or national parks and other reserves who want to help the fire services to protect their homes and those of their neighbours from bushfires.

They do this by undertaking fire prevention work, particularly the preparation of properties in the lead-up to the bushfire season and assisting with hazard reduction work; assisting firefighters during a bushfire with the defensive protection of homes from spot fires and ember attacks; assisting with recovery operations after a bushfire, such as bushland regeneration; and educating members of the community in relation to fire safety and the prevention of fires. It is important to emphasise that the role of members of CFUs is to help and support the fire services. They are not intended to replace the specialised, highly trained and equipped firefighters from the Fire Brigades and the Rural Fire Service. The Government is committed to supporting the CFU Program.

Some \$1.2 million is being provided to the Fire Brigades over the four years of this Government's term to establish further CFUs. This funding has been supplemented over two years by \$580,000 from the Natural Disaster Mitigation Program, which is jointly funded by the Commonwealth and State governments. Members of CFUs are also covered for workers compensation in case they are injured and for public liability by the Treasury Managed Fund. It is the view of the Government that the number of CFUs and the growing community involvement has now reached a level that warrants formal recognition of a unit's role and a legislative framework for their establishment, training and operation. The amendments to the Fire Brigades Act 1989 proposed in the Fire Brigades Amendment (Community Fire Units) Bill fulfil these objectives.

Among other things, the bill creates a new division within the Fire Brigades Act referring specifically to Community Fire Units. The Commissioner of the NSW Fire Brigades will be authorised to establish CFUs within a fire district and to determine their areas of operation. Clearly, the establishment of a CFU will be dependent upon the level of interest by local residents and an assessment of the bushfire risks, which would be conducted by the Fire Brigades. A new provision, section 74C, clearly sets out the objects and functions of CFUs, to which I have already referred. The commissioner will be authorised to appoint persons as members of a CFU. A new section 74E will also require the commissioner to provide the necessary training and equipment to CFUs.

A number of other existing provisions of the Fire Brigades Act will be amended to confirm, first, that any damage caused by a CFU member in the exercise of the unit's function to assist firefighters during a bushfire or undertake fire prevention work is to be considered as damaged by fire for the purpose of any insurance policy against fire damage, section 38, and secondly, that members of CFUs will be protected from

liability when they have performed their functions in good faith, section 78. Finally, the bill contains savings and transitional provisions to effectively acknowledge the existence of the 280 CFUs already established and their members. The Community Fire Unit Program has, by any measure, been an outstanding success, and it is a credit to the New South Wales Fire Brigades. Word is spreading fast about the program—so much so that the Fire Brigades have received 160 applications to establish new units. The Government is committed to providing the necessary resources for CFUs to flourish; but more than that, it wants their role and functions formally recognised in legislation. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

SURVEYING AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.20 p.m.]: I move:

That this bill be now a read a second time.

The existing Surveying Act was brought into force in 2003 as a result of the recommendations of the national competition policy review of the Surveyors Act 1929 and consultation with key stakeholders. The main objects of the new Act are to regulate the conduct of surveys carried out by the Surveyor-General and other public authorities; to provide for the establishment and maintenance of a register of public surveys; to provide for the registration of land surveyors and mining surveyors; to confer powers of entry on the Surveyor-General and registered surveyors; to create offences with respect to the conduct of surveying and the protection of survey marks, and to provide for the constitution and functions of the Board of Surveying and Spatial Information.

Whilst the Act is a great improvement on the earlier legislation, a number of further reforms are to be made in the present bill. The first proposed change will include a definition of "spatial information" in section 3A of the Surveying Act, to give legal certainty to the use of that term in the legislation. For the purposes of the Act, spatial information is defined as:

... any information about a location in space and time including, but not limited to, information about the following [if relevant]:

- (a) natural resources at the location;
- (b) the environment and climate at the location;
- (c) land ownership and other ownership rights at the location;
- (d) the use of land at the location;
- (e) any infrastructure at the location;
- (f) the demography of the location.

A location to which spatial information relates may be:

- (a) a point or a two or three dimensional area, and
- (b) a location that is:
 - (i) above the Earth's surface; or
 - (ii) below the Earth's surface; or
 - (iii) on the Earth's surface, or
 - (iv) any combination of the above.

The second proposed amendment provides for the correction of survey errors. Under proposed section 9A the Surveyor-General or Registrar-General will be able to require a registered surveyor to correct errors in his or her survey; and if the surveyor does not do so, the Surveyor-General or Registrar-General will be able to appoint another surveyor to correct the error. Likewise, the Chief Inspector of Mines and Chief Inspector of Coal Mines will be able to direct a registered surveyor to correct an error in a mining survey; and on a default in this duty, another surveyor may be appointed to correct the error.

It should be noted that a failure to comply with a requirement to amend a survey under section 9A will amount to professional misconduct, rendering a surveyor liable to the disciplinary action specified in section 13 of the Surveying Act. A third amendment will include new section 9B in the Act. This section will allow the Surveyor-General to appoint another surveyor to satisfy requisitions on a plan lodged in the office of the Registrar-General when the original surveyor has died, is absent or infirm, cannot be found, or is no longer a

registered surveyor. A further amendment will alter section 10 of the Surveying Act, to require the payment of the annual registration fee for surveyors to be made on 31 August rather than 31 October. This will result in increased efficiencies in the registration procedure.

A new section 16A is also being included in the Act. This provision will allow disciplinary action to be taken against a surveyor who has removed his or her name from the register of surveyors to avoid investigation of a complaint. A sixth amendment will alter section 27 (2) (e) of the Act and repeal clause 4A (3) of the Surveying Regulation. These changes provide that between one and three members of the Board of Surveying and Spatial Information are to be appointed by the Minister from nominees of the relevant professional associations of persons involved in the spatial information industry. At the moment, those members must be nominated by a single prescribed association of persons involved in the spatial information industry.

Section 30 (2) of the Surveying Act provides that committees established by the Board of Surveying and Spatial Information must include at least two board members, but may include other members who are not board members, so long as the board members outnumber the other members. An amendment to section 30 (2) removes the requirement that board members outnumber other members of such committees. An eighth amendment will permit the Surveyor-General to delegate his or her functions under the Surveying Act or any other Act to any member of the staff of the Department of Lands or any person authorised by regulation. A new section 35A is to be included in the Surveying Act to prohibit the unlawful disclosure of information obtained in the administration of the Act.

Section 36 (2) of the Act will be amended to provide that regulations may be made in respect of the manner in which complaints about the conduct of registered surveyors are made to, and dealt with by, the Board of Surveying and Spatial Information. A new section 36 (3) is also to be inserted in the Act to specify the Ministers who must consult on changes to certain regulations relating to mining surveys. Schedule 2 to the bill will include a new clause in the Surveying Regulation to permit complaints against surveyors to be dealt with in accordance with the "Policy for the Consideration of Complaints against Surveyors" issued by the Board of Surveying and Spatial Information, and as in force from time to time. Finally, schedule 3 to the bill will amend the Defamation Act to provide a defence of absolute privilege for defamation for the publication to or by the Board of Surveying and Spatial Information, a board member, or a committee or subcommittee of the board, in the process of investigating and determining complaints against registered surveyors. As honourable members would be aware, this exoneration from the defamation legislation is necessary to ensure that complaints can be made to, and be fully considered by, the Board of Surveying and Spatial Information. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

NOXIOUS WEEDS AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of the amendments referred to in message of 6 April

No. 1 Page 18, Schedule 1 [28], line 14. Omit all words on that line. Insert instead:

Omit section 76 (2). Insert instead:

- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act and at the end of each period of 5 years thereafter.

No. 2 Page 18, line 14. Insert after the line.

[29] Section 76 (3)

Omit "the period". Insert instead "each period".

No. 3 Page 18, Schedule 1 [32]. Insert after line 33:

- (2) Before making the first weed control order on the commencement of Part 2, as so inserted, the Minister must consider the suitability of all plants that were noxious weeds on the date of assent to this Act for inclusion in a weed control order.

Legislative Council's amendments agreed to on motion by Mr David Campbell.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

CRIMINAL PROCEDURE FURTHER AMENDMENT (EVIDENCE) BILL**In Committee****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 4 May*

No. 1 Page 13, Schedule 1 [7]. Insert after line 16:

291C Media access to proceedings held in camera

(1) If a complainant gives evidence in proceedings in respect of a prescribed sexual offence from a place other than the courtroom by means of closed-circuit television facilities or other technology that enables communication between that place and the courtroom (whether under section 294B or the *Evidence (Children) Act 1997*), and the proceedings, or the part of the proceedings concerned, are held in camera under this Division, a media representative may, unless the court otherwise directs, enter or remain in the courtroom while the evidence is given from that other place. This subsection does not apply to proceedings in respect of an offence under section 78A or 78B of the *Crimes Act 1900*.

(2) The fact that proceedings in respect of a prescribed sexual offence, or any part of such proceedings, are held in camera under this Division does not prevent the court from making such arrangements as the court considers reasonably practicable to allow media representatives to view or hear the evidence while it is given, or to view or hear a record of that evidence, as long as the media representatives are not present in the courtroom or other place where the evidence is given during the in camera proceedings.

Note. For example, the court may permit media representatives to view the proceedings from a place other than the courtroom by means of closed-circuit television facilities.

(3) In this section:

media representative, in relation to any proceedings, means a person engaged in preparing a report of the proceedings for dissemination through a public news medium.

No. 2 Page 16, Schedule 1. Insert after line 32:

[25] Section 314 Media access to court documents

Omit ", a suppression order or are held in closed court" from section 314 (4) (a).

Insert instead "or a suppression order".

No. 3 Page 18, Schedule 1 [26], line 14. Omit "and 291B". Insert instead ", 291B and 291C".

No. 4 Page 19, Schedule 2.1, line 10. Insert ", 291C" after "291B".

Legislative Council's amendments agreed to on motion by Mr David Campbell.**Resolution reported from Committee and report adopted.****Message sent to the Legislative Council advising it of the resolution.****SPECIAL ADJOURNMENT****Motion by Mr David Campbell agreed to:**

That the House at its rising this day do adjourn until Wednesday 25 May 2005 at 10.00 a.m.

The House adjourned at 9.31 p.m. until Wednesday 25 May 2005 at 10.00 a.m.
